

AMERICANS MISSING IN SOUTHEAST ASIA

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FINAL REPORT

Together With

ADDITIONAL AND SEPARATE VIEWS

OF THE

SELECT COMMITTEE

ON MISSING PERSONS IN SOUTHEAST ASIA

UNITED STATES HOUSE OF REPRESENTATIVES



DECEMBER 13, 1976.—Committed to the Committee of the Whole House  
on the State of the Union and ordered to be printed  
(Under authority of the order of September 11, 1975)

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WASHINGTON : 1976 ·

## SELECT COMMITTEE ON MISSING PERSONS IN SOUTHEAST ASIA

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The purpose of this Select Committee is to conduct a full and complete investigation and study of (1) the problem of United States servicemen still identified as missing in action, as well as those known dead whose bodies have not been recovered, as a result of military operations in North Vietnam, South Vietnam, Laos and Cambodia and the problem of United States civilians identified as missing or unaccounted for, as well as those known dead whose bodies have not been recovered in North Vietnam, South Vietnam, Laos, and Cambodia; (2) the need for additional international inspection teams to determine whether there are servicemen still held as prisoners of war or civilians held captive or unwillingly detained in the aforementioned areas.

(II)



## Union Calendar No. 884

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94TH CONGRESS } 2d Session }	HOUSE OF REPRESENTATIVES {	REPORT No. 94-1764
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### AMERICANS MISSING IN SOUTHEAST ASIA

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DECEMBER 13, 1976.—Committed to the Committee of the Whole House  
on the State of the Union and ordered to be printed

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Mr. MONTGOMERY, from the Select Committee on Missing Persons  
in Southeast Asia submitted the following

### REPORT

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(III)

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## LETTER OF TRANSMITTAL

The Honorable CARL ALBERT,  
*The Speaker of the House,*  
*The Capitol, Washington, D.C.*

DEAR MR. SPEAKER: On behalf of the House Select Committee on Missing Persons in Southeast Asia, and pursuant to the mandate of House Resolution 335, I am transmitting herewith to the House of Representatives the Select Committee's final report, "Americans Missing in Southeast Asia." This report, together with substantial documentation, represents the Select Committee's assessment of all available information on the missing and related problems, such as those encountered by the families of the missing.

For your convenience and the convenience of our colleagues in the House of Representatives, I have attached to this letter a summary of our major conclusions and recommendations.

The Select Committee notes that its important study and investigation was completed by only 10 members and a non-partisan staff of 4 professional and 3 administrative members. It should be noted, too, that this committee has returned nearly one half of the \$350,000.00 appropriated for its use, despite an unexpected extension of nearly four months duration.

It is evident that a small committee with a carefully selected staff constitutes a particularly effective and economical means of investigating areas which fall outside the purview of existing committees and which constitute significant problems requiring concerted congressional attention. I would like to acknowledge with deep gratitude the great dedication and talent of the committee members and its professional staff.

I also want to express my appreciation for the responsiveness of the liaison personnel from the Departments of Defense and State, and from the intelligence community. Their assistance proved invaluable to our efforts. The National League of Families, as well as many POW/MIA next of kin, were of great assistance in the committee's investigation. Finally, I wish to thank the United Nations High Commissioner for Refugees, the President of the Executive Committee of the International Red Cross, and their staffs, who provided important assistance and support to this committee.

Respectfully submitted,

GILLESPIE V. MONTGOMERY,  
*Chairman.*

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## MAJOR CONCLUSIONS AND RECOMMENDATIONS

### STATUS

#### *Conclusions*

That the results of the investigations and information gathered during its 15-month tenure have led this committee to the belief that no Americans are still being held alive as prisoners in Indochina, or elsewhere, as a result of the war in Indochina.

That current legislation, principally Title 37, U.S. Code, Sections 551-556, adequately protects the rights of the missing persons and their next of kin.

#### *Recommendation*

That the military secretaries should immediately begin individual case reviews in the manner prescribed by public law.

### ACCOUNTING

#### *Conclusions*

That, because of the nature and circumstances in which many Americans were lost in combat in Indochina, a total accounting by the Indochinese Governments is not possible and should not be expected.

That a partial accounting by the Indochinese Governments is possible, and that the Department of Defense has the capability to assess, within reasonable limits, the nature and extent of any accounting that may be forthcoming.

That the most effective way in which an accounting may be obtained from former enemies is through direct governmental discussions with them.

#### *Recommendations*

That the Department of State promptly engage the governments of Indochina in direct discussions aimed at gaining the fullest possible accounting for missing Americans.

That the House of Representatives maintain a POW/MIA oversight capability in the International Relations Committee to monitor any direct talks that may take place with Indochinese Governments.



## THE HISTORY OF THE UNITED STATES

1877

1877

The first of the great events of the year was the election of President Grant. He was elected by a large majority, and his administration was marked by a series of successful military campaigns against the Indians. The year also saw the passage of the Civil Rights Act, which gave equal rights to all citizens, and the establishment of the Freedmen's Bureau, which helped to educate and employ freed slaves.

The year 1877 was a year of great change and progress for the United States. It was a year when the country began to move towards a more unified and democratic society.

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## CHAPTER I.—INTRODUCTION

The House Select Committee on Missing Persons in Southeast Asia has conducted a 15-month study and investigation of the problems associated with American servicemen and civilians who are still missing as a result of combat operations in Indochina and have not been accounted for by the governments of Indochina.

This study marks the first comprehensive effort of its kind. Other committees, special panels, and task forces have been convened after previous wars to study specific problems related to those wars. This select committee, uniquely, has been charged with a broader mission. This report articulates the many and diverse problems associated with the missing persons themselves, their dependents, and their Government.

The principal foci of this study are: determining whether any Americans are still being held against their will as prisoners of war as a result of the war in Indochina; gaining as full an accounting as possible from former enemies; and assessing the efforts of the Departments of State and Defense with respect to the problems associated with missing Americans.

In every war America has ever fought, some fighting men and civilians disappeared. Many were never seen again. Significant numbers of these were never accounted for by their own government or by their enemy. It was common practice to close those cases within a short period after cessation of hostilities. Combat operations and losses in Indochina produced a different result, and the problems are still with us.

Americans were sharply divided over combat in Vietnam, Laos, and Cambodia. Some fled the country to avoid serving in the Armed Forces; others went to jail. Some servicemen deserted the ranks en route to combat—the vast majority served dutifully, many heroically. Thousands were wounded. A few hundred were captured and later returned alive, having suffered unspeakable treatment at the hands of their captors. Some captives did not return, and we still await an explanation. Finally, several hundred Americans were lost in or over hostile territory, and the evidence at hand suggests that the fate of some of these missing can be provided by the Indochinese governments. That the numbers of missing are relatively small, when compared to other wars, provides little solace to grieving and frustrated families.

The refusal of the Communist Indochinese authorities to abide by the Geneva Convention Relative to the Treatment of Prisoners of War, coupled with the prolonged, divisive nature of American involvement in Indochina combat, escalated the problem of missing Americans to one of national concern. Private citizens and civic and veterans organizations, together with the National League of Families of American Prisoners and Missing in Southeast Asia, organized effective pressure in support of the release of American prisoners. With the return of the prisoners in 1973, many of these citizens were satis-

fied. Others were not. They demanded an accounting for those who did not return. In so doing, they sought more responsibility and accountability by their government than had ever been provided after previous wars. Unfortunately, their motto—"Only Hanoi knows"—bespoke the limits of the U.S. governmental capability to provide the accounting they sought.

Unlike American experience after previous wars, U.S. authorities now have no access to the battlefields in and over which American men became missing. Neither have they had access to relevant Communist records on America's missing. Only in South Vietnam, from 1973 to 1975, were limited battlefield and crash-site investigations possible. There has been no access to South Vietnam since April 30, 1975. This unfortunate combination of circumstances contributed to the mounting frustration of next of kin and established the need for this select committee.

The select committee is of the view that its most important tasks have been these:

- To identify and explain the crucial problems associated with the issue of missing Americans, particularly the question of whether any may still be living.

- To assure that the constitutional rights of the missing are fully protected.

- To help create the international and domestic milieu in which meaningful talks can be undertaken with those who can provide information on many of our missing.

- To assess the adequacy of the treatment of the POW/MIA issue by governmental agencies during and subsequent to the Vietnam war.

- To provide Congress with guidelines for handling future POW/MIA situations.

It is important to note that the select committee was enjoined to study, investigate, and report to the House of Representatives on the problem of missing Americans. Final resolution of this problem can only be accomplished by the administration, with the cooperation of the Indochinese governments.

The history of similar problems, such as that experienced by the French in Indochina, suggests that an expeditious resolution of the problem is desirable, although this will likely require considerable debate. The nature and extent of the final results cannot be predicted with confidence. It is certain that a large number of individual cases will never be accounted for. That, unfortunately, is a natural phenomenon of fierce combat. It is equally certain, however, that the governments of Indochina already possess detailed information on many missing individuals and incidents in which they were lost. Further, a large but unknown number of grave sites in which missing Americans are buried have been located and marked by the Vietnamese. Ultimately, assuming that talks are successful, those remains can be repatriated.

One major stumbling block has prevented closing this chapter in our national history—the lack of direct discussions between the American government and those of our former adversaries. The United States

wishes and deserves an accounting for the missing. The Indochinese demand reconstruction of their war-torn countries. The United States insists on an accounting as a precondition to normal relations between our countries. The Indochinese, particularly the Vietnamese, state that reconstruction aid, a change in the Administration's "hostile attitude", and a significant effort to "heal the wounds of war" must precede their accounting for our missing.

The select committee has carried out its mandate in three separate and distinct ways:

First, a comprehensive series of hearings provided the foundation for the committee's efforts. Testimony was heard from nearly 50 selected witnesses who were in a position to provide important background information necessary for an understanding of the problems involved. In addition, more than 20 executive sessions were conducted to evaluate progress, to plan future activities, and to hold discussions on sensitive matters with persons who could not otherwise appear before the committee.

Second, the select committee initiated high-level international discussions, holding direct talks with key officials of the Democratic Republic of Vietnam, the Provisional Revolutionary Government (of then two Vietnams) and the Lao Peoples' Democratic Republic. Extensive efforts were made, unsuccessfully, to communicate with Cambodian leaders. More than 80 communications were exchanged with senior Indochinese officials. In addition, meetings were held at home and abroad with scores of other international dignitaries and officials having concern with POW/MIA matters.

Third, at the members' direction, the select committee staff conducted independent investigations tracking down numerous leads and sources. Some investigatory tracks were uncovered during testimony. Most were provided by the National League of Families of American Prisoners and Missing in Southeast Asia. Others were developed by the staff. These efforts resulted in personal communications by Members or the staff with more than 150 individuals who might have been expected to cast light on the shadowy problems being studied. The Committee initiated over 100 requests to the Department of Defense for specific information, including some voluminous studies. It was never intended that the Select Committee would review every case folder. Clearly, the Committee has no legal authority to adjudicate MIA status; but over 200 individual case files were analyzed by the Committee and its staff in order to appraise the many aspects of the MIA problem.

The focus of all these efforts was to determine the likelihood that any missing Americans were still being held as POW's in Indochina. Collaterally, the select committee endeavored to calculate the possible nature and extent of the hoped-for accounting and the means by which an accounting might be achieved.

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## CHAPTER II.—AN OVERVIEW OF COMMITTEE ACTIVITIES

On September 11, 1975, the House of Representatives directed the select committee to study, investigate, and report on the problems of Americans still unaccounted for as a result of hostilities in Indochina. The committee immediately initiated its activities on three distinct levels: hearings, international talks, and investigations. Top priority was placed on seeking evidence to determine whether any live Americans were still being held captive. Simultaneously, the committee sought to identify the problems that had prevented an accounting to date and to take actions that might gain an accounting. The committee also had an obligation to assist in the repatriation of those American citizens and dependents unable to leave South Vietnam after the fall of Saigon.

### EVIDENCE OF LIVE AMERICANS

The select committee launched and maintained an intensive effort to acquire information on the possibility of live American prisoners in Southeast Asia. Witnesses were called who might be expected to know whether any prisoners were still being held. Within one week of the formation of the select committee, Ambassador George Bush, then Special Representative of the United States to the People's Republic of China, addressed this very question before the members. Subsequent testimony was received from governmental officials with long experience on POW matters who also had access to all national intelligence on the subject. Present and former officials of the National League of Families, as well as persons recommended by them, were called. Former POW's described the character of their captors and the brutal circumstances of their captivity, as well as the methods by which they developed and safeguarded crucial information on captured Americans. Testimony was heard from the national intelligence community, as well as from private citizens and officials with a wide range of experience in Indochina. MIA wives and parents were called, as were witnesses with current information, such as American civilians released from Vietnam during the lifetime of the committee. Each witness with possible information on missing Americans was intensively questioned both as to the facts they could present and to their opinions on whether any missing American was alive. Many of those testifying produced sources and leads for further investigation. Several witnesses were called upon to provide additional information in response to further committee inquiry. The open testimony of these witnesses is published in five volumes of hearings before the select committee. Chapter III of this report delineates significant portions of this testimony as it pertains to the possibility of American prisoners.

Committee investigations proceeded apace with its hearings. In addition to following up on leads from the hearings, the committee initiated contacts with over 150 persons with expertise on the subject of



missing Americans. Past efforts of the Department of State and Defense were reviewed and analyzed. Members of Congress and individual citizens and groups passed on information for investigation and analysis. The National League of Families provided many leads and several tracks for investigation. Committee members spoke with POW/MIA family members both in Washington, D.C. and across the country. Congressmen Jim Lloyd (D-Calif.), Benjamin A. Gilman (R-N.Y.), and Tennyson Guyer (R-Ohio), contributed greatly to this effort, addressing the annual convention of the National League of Families, and holding numerous speaking engagements in several States. Staff members contacted additional sources and analyzed data germane to the inquiry. The national intelligence community was called upon to provide information and to explain certain reports. Members and staff visited the Defense Intelligence Agency (DIA), which had become the focal point for national intelligence on Americans missing in Southeast Asia. The committee reviewed individual cases, examined returned POW debriefs, and sought to ascertain whether information classified to protect sources and methods was extracted in substance and placed in the services casualty files which the next-of-kin could see. Members and staff also visited the Joint Casualty Resolution Center (JCRC), a unique organization specializing in grave and crash site investigations and recovery of remains. The committee made specific inquiries into both POW intelligence information and communication of information between the JCRC and the DIA. Over 200 individual case files were reviewed for evidence that the missing man might be alive. Finally, the committee made every effort to correlate and assess the information received from its many public and private sources. Highlights of these investigations are covered in chapter IV of the report.

International efforts to ascertain whether Americans were still being held involved discussions with the Vietnamese Premier, Vice Foreign Minister, Assistant to the Foreign Minister, Director of North American Affairs, Ambassador to France, and Observer to the United Nations. Discussions were held with the Pathet Lao Representative in Vientiane, the Chief of Cabinet of the Lao Foreign Ministry, the Lao Director of Political Affairs, and the Lao Delegation to the United Nations. Attempts to contact Cambodian representatives in Peking (twice), Paris (twice) and Hanoi (once), and to correspond with Phnom Penh failed to produce any response. The committee did learn, however, of three high-level contacts with the Cambodian officials in which statements were made on missing Americans.

Further meetings were held with officials of the International Committee of the Red Cross, the United Nations High Commissioner for Refugees and with foreign representatives to the Diplomatic Conference on Humanitarian Law. In addition, meetings were held with numerous other foreign and international figures in Paris, Geneva, New York and Washington.

A key question in all these meetings, as described later in this chapter, concerned whether there was any information on live Americans being held as a result of the war in Indochina. Before describing these efforts more fully, however, it is necessary to consider committee efforts to obtain any information whatsoever on missing Americans, that is, the committee efforts to seek an accounting.

## SEEKING AN ACCOUNTING

The select committee recognized early in its investigation that an accounting must be negotiated. Looking at the French experience, it was apparent that negotiations could drag on for years, or even decades. Thus, the committee found it necessary to divide its pursuit of an accounting into two distinct categories. First, the problems associated with an accounting had to be identified: What is an accounting? What constitutes an acceptable accounting? How much of an accounting can Americans reasonably expect? Second, efforts had to be made to create the working relationships necessary for negotiations.

The committee's inquiry into the technical aspects of an accounting began in November 1975 with the testimony of Maj. Gen. Robert C. Kingston, the first commander of the Joint Casualty Resolution Center (JCRC). Using slides and a short film, General Kingston explained the origins, structure and operations of the JCRC, as well as methods used by the Central Identification Laboratory (CIL) to identify recovered remains. He described some of the difficulties of an accounting, including the facts that no remains were recovered from extensive JCRC search operations at sea, and that climatic conditions in Southeast Asia cause rapid deterioration of remains. Further investigation of JCRC activities was made by a staff visit on location at Samae San, Thailand. Results of studies undertaken by JCRC personnel were made available to the staff, and additional requirements were levied on the JCRC to develop more refined data and statistical projections.<sup>1</sup>

In December 1975, after receiving the remains of three American servicemen in Hanoi, the select committee took the opportunity to visit the JCRC to learn firsthand its capabilities and limitations. The members were thoroughly briefed by the JCRC commander and staff. They also visited the Central Identification Laboratory, examining the remains of the three flyers they had received in Hanoi, two ash remains which had just been received from China, and those yet unidentified partial remains that had been obtained in Vietnam.

Followup questioning of JCRC personnel occurred throughout 1976, highlighted by staff interrogation of the JCRC commander on his visits to Washington in March, June and July 1976.<sup>2</sup> In addition, the staff director conferred with JCRC and Central Identification Laboratory personnel in November 1976 at their new locations in Hawaii in order to refine certain statistical data and projections related to the committee's report.<sup>3</sup>

Finally, the staff conducted independent studies of other germane data. These included the analysis of the Bio-Technology reports on Southeast Asian aircraft survival experiences, and the Naval Safety Center reports on fatal peacetime accidents on Navy combat-type aircraft.<sup>4</sup> The staff also analyzed a large sample of individual cases with

<sup>1</sup> Select Committee Hearings, part 2, pp. 76-77; and chapter 8 of this Report, "An Accounting".

<sup>2</sup> Col. John P. Vollmer, U.S. Army, was the JCRC Commander until June 1976, when he was succeeded by Col. William H. Hubbel, U.S. Air Force.

<sup>3</sup> The JCRC was relocated to Barbers Point and the CIL to Camp Kalama in mid-1976.

<sup>4</sup> Select Committee Hearings, parts 2 and 3; and Naval Safety Center, "Fatal Peacetime Accidents of Navy Combat Type Aircraft", Ser. 395, February 5, 1976.

See chapter 5 of this report for further analysis of the Bio-Technology Reports and chapter 8 for the Naval Safety Center Reports.

the view of predicting, within reason, how many cases might be resolved by former enemies. Also considered was the effect that time, weather, and circumstances have had on the likelihood of an accounting in each of the geographic areas in which the war was fought.

The committee recognized that an accurate forecast cannot be made of the number of cases in which an acceptable accounting may ultimately be realized or the quality of information or remains that might be obtained. Only Hanoi—and Vientiane and Phnom Penh—can provide that information. It is essential, however, to delineate the problems inherent in an accounting. Only in this way will it be possible to keep in focus the negotiating price and the results to be achieved. Chapter 9 deals extensively with the technical aspects of accounting.

Efforts by the select committee to gain information on missing Americans took several forms. The committee sought to convey to the Indochinese leadership, both directly and through the good offices of international agencies and friendly third parties, the humanitarian implications of an accounting and the greater likelihood of normalizing relations if an accounting were provided.

The committee also pressed the administration to open talks with the Vietnamese. Within the Congress, members of the select committee supported certain legislation that might have induced the Vietnamese to provide some measure of an accounting.

Finally, the committee recognized that while its limited charter had been accomplished and its limited tenure completed, there was need for continuing attention to the POW/MIA matter. For this reason the committee recommends that an effective, operational, oversight capability be assured within the House International Relations Committee.

The select committee's efforts to gain information on missing Americans are described below, as those efforts apply to each of the countries that might provide such information.

#### PEOPLE'S REPUBLIC OF CHINA

In September 1976, Ambassador George Bush, then Chief of the United States Liaison Office to the People's Republic of China, discussed with the committee the possibility of MIA information emanating from China. Mr. Bush indicated strong doubts that China held any live Americans and he believed that the Chinese would not condone movement by the Vietnamese of POW's into China. Ambassador Bush was of the opinion that such a movement of POW's could not occur without the Chinese knowing and they would certainly not approve of it.<sup>5</sup> Congressman John Joseph Moakley (D-Mass.) contributed greatly to the many efforts to obtain an accounting from the Chinese by expressing the concern of family members at this and subsequent meetings, including that in Paris in December.

Anticipating the separate visits to Peking planned for November and December, 1975 by Secretary Kissinger and President Ford, the committee requested that certain questions on POW's/MIA's be asked of the Chinese during those visits. The committee was assured that the matter would be included on the agenda and would receive the highest level attention.

On December 4, 1975, while in Peking, President Ford received information from Vice-Premier Teng Hsiao-ping on six incidents

<sup>5</sup> Select Committee Hearings, part 2, p. 91; and chapter 3 of this report.

involving U.S. aircraft lost in or near the PRC between 1952 and 1968. The Chinese offered to return the ash remains of two American servicemen killed in the Vietnam war and provided circumstantial information or a statement that the PRC has no further information on eight other American servicemen from the Vietnam war era.<sup>6</sup>

#### VIETNAM

International efforts to ascertain whether Americans might still be held prisoner in Vietnam also began shortly after formation of the select committee. Initial efforts to contact the Vietnamese government were made on October 10, 1975, in correspondence to Pham Van Dong asking that Vietnamese officials meet with the committee. Representative Richard L. Ottinger (D-N.Y.), who had corresponded amicably with Premier Pham Van Dong on an earlier occasion, reinforced the committee recommendation by also writing the Premier, advising him of the membership of the newly formed select committee and urging that the Vietnamese receive a delegation of Congressmen.<sup>7</sup>

In his capacity as a member of the select committee, Congressman Tom Harkin (D-Iowa) visited the United Nations in New York on October 8, 1975. He spoke with Ambassador Dinh Ba Thi, the permanent Provisional Revolutionary Government observer at the U.N. Among the issues discussed, Congressman Harkin expressed the committee's concern for information on American MIA's and POW's. The function of the select committee was also discussed at the New York meeting. Ambassador Thi expressed his opinion that the MIA issue was unimportant both to U.S. businessmen and U.N. representatives whom the Vietnamese had approached. Not wanting to confine possible discussions to the MIA question, the Vietnamese indicated an interest in aid, trade, and diplomatic recognition.

Representative Harkin suggested that the select committee could meet with Vietnamese officials in Paris or any other place, to consider matters of mutual interest, including the MIA issue.

The authority of the select committee was then considered.<sup>8</sup> The Vietnamese expressed the view that the committee could not be effective if it was an instrument of the Secretary of State. Representative Harkin stressed the committee's independence and willingness to listen to issues other than the MIA, although he stressed the committee's limited authority. Thus, the stage was set at this early meeting for the subsequent meetings in Paris and Hanoi.

#### *Meeting With the Secretary of State*

On November 14, 1975, all members of the select committee met with the Secretary of State. The Secretary voiced no objection to the committee's proposed discussions with the Vietnamese; he suggested that it would be more effective to discuss the MIA issue in the context of normalization rather than in a framework of the Paris accords, which the North Vietnamese had violated. Blackmail, he said, would be inappropriate. He noted, however, that friendly and reciprocal gestures

<sup>6</sup> Department of Defense News Release "PRC Provides Information on U.S. Casualties", December 5, 1975.

<sup>7</sup> Correspondence of the select committee and executive session, October 8, 1975.

<sup>8</sup> The select committee is prohibited from negotiating by the Logan Act.



might be effective in creating a climate in which an accounting could take place.<sup>9</sup>

### *Meeting With the DRV*

In view of the North Vietnamese insistence that the MIA issue be discussed only in conjunction with a wider range of issues, Chairman Montgomery informed the DRV Embassy in Paris that Congressmen from several committees could accompany the select committee.

The North Vietnamese indicated their willingness to meet with the congressional party in late November, then deferred the meetings until early December when Ambassador Vo Van Sung would be present.

On December 1, in an executive session, the committee considered the schedule and agenda of the Paris trip. Attention was also paid to the Bingham amendment to the Foreign Assistance bill which provided for lifting the trade embargo on Vietnam. Representative Benjamin Gilman (R-N.Y.) of the select committee, had introduced a second amendment which would require the Vietnamese to make a substantial accounting for missing Americans within 180 days from the lifting of the trade embargo. Members agreed that support of the Bingham-Gilman amendments would be at their individual discretion. During this meeting, the committee received a cable from the Vietnamese suggesting a meeting in Paris on December 6.

On December 6, 1975, members of the select committee, accompanied by four Congressmen from other committees, met with North Vietnamese Ambassador Vo Van Sung and PRG Chargé d'Affaires Huynh Thanh.<sup>10</sup> In that meeting at the DRV Embassy in Paris, both groups alluded to a bridge of understanding that might be built if each side reciprocated to gestures made by the other. The Vietnamese committed themselves to constructing the first plank of the bridge by releasing the remains of three American pilots who had been shot down over North Vietnam.<sup>11</sup> The DRV Ambassador averred that two problems remained in implementing the Paris Agreement:

- (1) U.S. contribution to healing the wounds of war, and
- (2) Vietnamese provision of information on the American dead.

Ambassador Sung stated that Vietnam has an organized research program for U.S. pilots killed in action and that all the POW's had been released.

Further discussion centered on international trade and aid, with the Congressmen citing the improbability of the latter. The American delegation traveled to Geneva, Switzerland the following day where they met with officials of the International Red Cross in order to solicit assistance in obtaining an accounting. A brief courtesy call was paid on the United Nations High Commissioner for Refugees who was then preparing to depart for Hanoi.<sup>12</sup>

On December 17, members of the select committee reported to President Ford the results of the Paris talks and discussed the meeting they had scheduled in Hanoi 4 days later. The President urged the committee, while on its forthcoming trip, to ascertain the list of quid

<sup>9</sup> Select Committee Hearings, part 2, pp. 92-93.

<sup>10</sup> The other Members included Congressmen Jonathan B. Bingham (D-N.Y.), Robert Duncan (D-Oreg.), Dante B. Fascell (D-Fla.), and Kenneth L. Holland (D-S.C.).

<sup>11</sup> The remains had been promised earlier in response to Senator Kennedy's request, but the Vietnamese reneged in August 1975 when the United States vetoed Vietnamese membership in the United Nations.

<sup>12</sup> Hearings, Vol. 2, p. 97.

His assistance later greatly expedited the Committee delegation's trip to Southeast Asia.



pro quos desired by the Vietnamese. He also provided a letter to Chairman Montgomery setting forth his views on reciprocity, stressing that the United States looked to the future and not to the past, in its relations with the new regimes of Indochina.<sup>13</sup>

### *Visit to Hanoi*

Chairman Montgomery and Congressmen Ottinger, McCloskey, and Gilman of the select committee traveled to Southeast Asia from December 18 to December 24, 1975. The remains of three American pilots were turned over to the committee during a solemn ceremony at Hanoi's Gia Lam Airport.<sup>14</sup> Several meetings were held with DRV authorities, including Prime Minister Pham Van Dong and Vice Foreign Minister Phan Hien. Both Vietnamese leaders told the members that all Americans captured during the war were returned to the United States just after the Paris agreement. The Congressmen articulated their interest in documented evidence on the missing, grave and crash site investigations, and recovering the remains of the two Marines killed at the end of the war. The Vietnamese replied that if the local people cannot find crash sites, no one can. They added that information would be forthcoming on the two Marines. They then expressed their perception of American commitments for reconstruction aid in accordance with their interpretation of article 21 of the Paris agreement, reinforcing their argument by revealing the contents of a February 1, 1973, letter from President Nixon to Premier Pham Van Dong. The letter referred to a preliminary study identifying reconstruction aid of a magnitude of \$3.25 billion for North Vietnam. As they had done earlier in Paris, the select committee members made it clear that grant aid for Vietnam appeared to be out of the question.

### *Meeting with President Ford*

Select committee members met privately with President Ford on January 26, 1976, to report on their discussions in Hanoi. The possibility of an accounting was discussed, as were various options which the administration might consider in reciprocating the gestures already made by the Vietnamese.<sup>15</sup>

### *Meeting with Secretary Kissinger*

On March 12, 1976, the entire committee met again with Secretary of State Henry Kissinger. The Secretary discussed the negotiating process of early 1973, and explained in detail the intent and nature of the letter President Nixon had written to Premier Pham Van Dong on February 1, 1973. That letter, which figures so prominently in any assessment of negotiating commitments, articulated the agreement that a Joint Economic Commission would be formed to consider reconstruction aid to North Vietnam in the spirit of article 21 of the Paris Peace Agreement.<sup>16</sup>

According to the Secretary, neither the Joint Economic Commission proposal nor the Nixon correspondence was an agreement as such, but rather was tentative in nature and dependent on both strict adherence

<sup>13</sup> Hearings, Part 2, p. 73.

<sup>14</sup> The committee members received the remains of Captain Ronald Dwight Perry, Major Crosley James Flitton, Lieutenant Commander James Taylor, Jr.

<sup>15</sup> For a more detailed report, see select committee hearings, part 3, p. 97.

<sup>16</sup> Undersecretary Philip Habib was the first ranking official of the present administration to admit the obvious link between article 21 and the Joint Economic Commission when he testified before the select committee on July 21, 1976.

See select committee hearings, part 5.

to the terms of the Paris Peace Agreement and on American constitutional processes. The latter, he said, translated to approval by the Congress of any proposed programs.

The most significant development in the March 12 meeting was the select committee's unanimous recommendation to Secretary Kissinger that the Department of State begin direct talks with the Vietnamese in an effort to reconcile differences impeding resolution of the POW/MIA issue. Dr. Kissinger assured the members that he would discuss the committee's recommendation, and would report back to the select committee the following week.

The recommendation was approved and, on March 26, 1976, the Department of State initiated a communication to DRV Foreign Minister Nguyen Duy Trinh, suggesting that preliminary talks might be undertaken.<sup>17</sup>

It should be pointed out that intensive efforts by the select committee, both directly and through the good offices of impartial international agencies, to arrange for further direct meetings with the DRV in Hanoi or Saigon in the period of April-June 1976 had politely been rebuffed by the DRV, apparently due to their April 25 elections.

### *International Diplomatic Conference*

In March 1976, Chairman Montgomery was designated Congressional Adviser to the International Diplomatic Conference on Humanitarian Law in Armed Conflict. Attending the opening sessions of the Conference in Geneva, Switzerland in April 1976, Chairman Montgomery conferred with numerous international officials, including DRV Ambassador Nguyen van Luu. Detailed conversations were held privately with other diplomats and emissaries of international agencies headquartered in Geneva. During these conversations, the Chairman received no indication from any quarter that any POW's or MIA's were being held as a result of the war in Vietnam. International officials with regular access to both North and South Vietnam, and who have close contacts with the Vietnamese leadership, stated they had no evidence whatsoever of American POW's.

Of particular interest was the work dealing with a proposed article to be included in the Geneva Convention on POW's.

If ratified, that article will provide for obligatory reporting of information on MIA's, an area previously ignored in all conventions and protocols except the Paris Peace Accords.

### *Amendment to Bretton Woods Agreement*

On July 29, 1976, Congressman Henry B. Gonzalez (D-Tex.) introduced HR 13955, to provide for amendments to the Bretton Woods Agreement. The bill stated that the President shall instruct the U.S. Executive Director of the International Monetary Fund to vote against any loan or other utilization of the IMF to the benefit of Laos, Cambodia, or Vietnam unless these countries are providing the United States with a full accounting for American military and civilian personnel who remain unaccounted for in those countries. Although the amendment was defeated in the House, its submission by Representative Gonzalez was another example of the importance committee members attach to this issue.

<sup>17</sup> At the time of this printing 6 publicized diplomatic notes on this subject had been exchanged. They are printed in the Select Committee Hearings, part 5.

One of the most enigmatic aspects of the POW/MIA issue is the large number of MIA losses in Laos and the incredibly small number of prisoners that returned from that country. It is extremely difficult, if not impossible in many cases, for next-of-kin to accept the unexplained disappearance of so many fine Americans. Extensive rumors have originated in Laos, mainly from opportunists and profiteers, suggesting that scores of live Americans are still being held in various secret places in that rugged country.

Several committee members had visited Laos in other capacities before the select committee was formed. Chairman Montgomery and Congressman Gilman had flown over much of the country and both had met with the former head of the Royal Government, Prince Souvanna Phouma, when he was still in authority in Vientiane. Mr. Gilman had also met with General Vang Pao, the Hmuong tribal leader who led the Royal Lao field forces against the Pathet Lao. Earlier association with Pathet Lao officials, however, had not provided any detailed information related to the POW/MIA situation.

In November 1975, Dr. Henry J. Kenny of the select committee staff traveled to Vientiane to spend several days gathering information on POW/MIA matters and to discuss with senior Lao officials the interests of the select committee. The U.S. Embassy in Vientiane was helpful in arranging his meeting with Mr. Sone Khamvanevongsa, representative of the Lao Patriotic Front; Dr. Chansamone Vongsaphay, Director of Political Affairs in the Foreign Ministry; and Mr. Soubanh Srithirath, Chief of Cabinet of the Foreign Ministry. Dr. Kenny's visit established excellent contacts with foreign officials and facilitated the December visit by committee members.<sup>18</sup>

Dr. Kenny furnished POW/MIA statistics to the Lao officials, and asked for information on the missing men. The officials stated that all American POW's had been returned. The Chief of Cabinet, Soubanh Srithirath, also emphasized that reconstruction aid was a duty and obligation of the United States.

#### *Select committee visit*

Chairman Montgomery accompanied by Congressman Ottinger, McCloskey and Gilman met Pathet Lao officials in Vientiane on December 23, 1975, after their earlier meetings with DRV leaders in Hanoi. Initial resistance to the meeting, experienced by U.S. Embassy officials in Vientiane, was overcome through the insistence of the Chairman and the very effective assistance rendered by aides to the United Nations High Commissioner for Refugees. Mr. Zia Rizvi of the Geneva Headquarters of the UNHCR, who had accompanied committee members to Hanoi and Vientiane, was particularly helpful in arranging communications with the Pathet Lao.

Committee members discussed the POW/MIA issue with Chief of Cabinet Soubanh Srithirath and provided him with five individual cases of Americans known to have been in Lao hands but who never returned and have not been accounted for. In addition, the "Spectre 17" case, involving 11 unaccounted for MIA's, was given to the Chief

<sup>18</sup> Select Committee Hearings, part 2, pp. 75-86.

of Cabinet.<sup>19</sup> He reaffirmed that all American POW's had already been liberated, adding that as the Lao search for their own dead and missing, they will also search for missing Americans.

### *Interplast*

In January 1976, the select committee was made aware of the humanitarian services offered by the International Plastics Society, Interplast. The organization is comprised of plastic and reconstructive surgeons who donate two months of their time each year on an individual basis to provide surgical repairs to the maimed in countries where that skill is not otherwise available.

Dr. Mark Gorney and Dr. Richard Dakin of Interplast met with the select committee on January 23, 1976, and stated the willingness of their members to travel to Vietnam and Laos where their medical teams would help train indigenous doctors. At the same time, they would also help repair deformities caused by the war or resulting from other causes.

The committee arranged for a representative of Interplast to meet with the New York staff of the United Nations High Commissioner for Refugees to explain their offer. Thereafter, the Interplast offer was forwarded to Vientiane and Hanoi with considerable assistance from the UNHCR staff personnel. To date, the Vietnamese and Laotians have not indicated approval of the project, but it remains a bona fide offer which, in the committee's view, would enhance the chances for normalization.

### *The Lao in New York*

The committee's search for meaningful answers from the Lao was continued through the efforts of Congressman McCloskey. Meetings were held between the Congressman and Lao representatives in New York, and several MIA case files were given to the Lao by Mr. McCloskey.<sup>20</sup> These were cases not previously given to the Lao. In addition, the committee continued to conduct interviews and to exchange correspondence with persons familiar with the policy and practices of the Pathet Lao, including representatives of the Mennonite Central Committee, the American Friends Services Committee, and various religious and charitable groups. A further attempt was made, unsuccessfully, to meet Lao Foreign Ministry officials visiting the United Nations in October 1976.

## CAMBODIA

The Khmer Rouge regime in Cambodia has been particularly unresponsive to the committee's inquiries. The trips to China by Secretary Kissinger and President Ford in November and December 1975 appeared to afford an opportunity for preliminary talks with the Cambodians, and it was hoped that Chinese intercession might facilitate meetings between Khmer Rouge officials and the select committee. Despite some indications that the Chinese would be pleased to see rela-

<sup>19</sup> See Chapter 4, "Committee Investigations", for Spectre 17 details; and Select Committee Hearings, part 5.

<sup>20</sup> On August 30, 1976, Chairman Montromery and Congressmen Ottinger, Lloyd, Harkin, McCloskey, and Gilman met in New York with Mr. Khamthong Boulom and Mr. Theo Mo Bounnak, First Secretaries of the Lao Peoples' Democratic Republic to the United Nations.



tions improved between the Cambodians and Americans, no progress has yet occurred.

Several direct attempts were made by the select committee to initiate talks with Cambodian leaders. While meeting with DRV and PRG officials in Paris in December 1975, telephone calls were made to the Cambodian office but the calls were not accepted. Later that month in Hanoi, the committee tried to telephone the Cambodian Embassy—to no avail. Khmer Rouge officials in Vientiane, Laos have not attended any functions, official or social, to which committee members or U.S. Embassy staff personnel have been invited.

Congresswoman Patricia Schroeder (D-Colo.) made an official trip to Peking, China in January 1976, and while there attempted on the select committee's behalf to deliver a message in person to the Cambodian Embassy. Khmer Rouge officials refused to see her. In April 1976, Congressman Lester Wolff (D-N.Y.) visited Peking. He carried with him a letter from Chairman Montgomery to Tol Sat, the Prime Minister of Cambodia, suggesting that talks with the select committee could be undertaken. The letter also contained an appendix with the names of the 24 Americans unaccounted for in Cambodia. The Cambodian Embassy appeared to be empty when Mr. Wolff arrived, although he heard voices behind locked doors in the anteroom. After a few minutes, Congressman Wolff placed the letter on a small table in the vestibule and departed.

Several other attempts were made to communicate with the Khmer Rouge by cable and letter. Overseas telegrams to Cambodian ambassadors in Paris, Hanoi and Peking have met with no response. In one case, the Paris cable office advised that the Ambassador had moved from his hotel without leaving a forwarding address, suggesting that the Cambodian representation in France is on a "shoe string" basis at best.

Finally, the committee forwarded a letter through Department of State channels to Peking, China, for delivery to Prince Norodom Sihanouk who was then residing in Peking. The letter asked for his intercession on behalf of the select committee to arrange direct talks on the POW/MIA issue. There has been no response.

Although committee attempts to communicate directly with the Cambodian government were unsuccessful, the committee did seek to learn whether Cambodian officials had any information on missing Americans. In December 1975, for example, the committee learned that a senior official of the U.S. Mission to the United Nations met with Thiounn Prasith, a senior Cambodian official at the United Nations, to request information and to present complete lists of Americans missing in Cambodia. The Cambodian representative agreed to convey the list to his government. Approximately a week later, he responded by stating his government had no information on any American military or civilian personnel whose names had been provided.<sup>21</sup>

The select committee received additional reports in October 1976, through friendly Asian governments, that Cambodian governmental spokesmen, at the highest level, had just categorically denied that any Americans were being held or otherwise living in Cambodia.<sup>22</sup>

<sup>21</sup> Information provided the select committee by Frank A. Sieverts, Deputy Coordinator for Humanitarian Affairs, Department of State.

<sup>22</sup> These reports were received through confidential sources.

The select committee efforts to obtain an accounting and seek information on the possibility of live Americans resulted in an exchange of more than 80 communications with the leadership of the governments of China, Vietnam and Laos. The results of those contacts, as well as the information received concerning Cambodia, show a categorical denial at the highest levels of government that any live American prisoners are being held as a result of the war in Vietnam. The committee does not accept these denials as *prima facie* evidence. Exhaustive examination of relevant information proceeded on the levels of hearings, investigations, and analyses. Highlights of these efforts are in chapters 3, 4, and 5 respectively. The fact that the leaders of Southeast Asian Communist states deny holding any American POW's does not augur well, however, for the fate of those once in their hands.

To date, there has been no accounting by Indochinese governments for any substantial number of missing Americans. Yet the select committee's efforts have been marked with considerable success.

The Vietnamese publicly admitted that they have created an agency to search for information and graves of missing Americans.

The Secretary of State, as a direct result of the committee's urging, formally offered to begin talks with the Vietnamese—a necessary precursor to an accounting.

Several diplomatic notes have been exchanged between the United States and Socialist Republic of Vietnam Governments and the first discussion has been held.

With but few exceptions, the American civilians stranded in South Vietnam in 1975 have recently been permitted to depart.

With several factors contributing to the exit from South Vietnam of those American citizens who were stranded there in 1975 and who wished to leave, the role of the select committee in facilitating their departure deserves mention.

#### AMERICAN CITIZENS IN VIETNAM

During its 15 months' tenure, the House Select Committee on Missing Persons in Southeast Asia devoted considerable time and effort to secure the release of American citizens remaining in South Vietnam after the fall of Saigon. The committee recognized an obligation to do everything possible to assist these Americans.

In his October 1975 meeting in New York with Ambassador Dinh Ba Thi, the PRG Observer to the United Nations, Hon. Tom Harkin (D-Iowa) of the select committee asked about the nine American civilians captured in March 1975 at Ban Me Thuot in South Vietnam. Ambassador Thi responded:

That is no problem. I will check into that next week, and I can assure you they are being well taken care of.<sup>23</sup>

Thi returned to Vietnam the following week. On October 30, just two weeks later, the nine Americans were released from Hanoi.

In the December 1975 meetings in Paris with DRV Ambassador Vo Van Sung, Chairman Montgomery asked about the civilians who were

<sup>23</sup> Hon. Tom Harkin (D-Iowa), in a report to an executive session of the select committee on October 9, 1975.

stranded in Saigon when the Thieu Government fell, and who appeared anxious to leave the country. The Ambassador stated:

We have no intention of keeping anyone. If we find anyone in Vietnam who has been stranded, according to the press, we will create conditions for their return.<sup>24</sup>

He said that he heard there were 50 Americans living in the South, adding, "We can't confirm the exact number. We have no intention of detaining them."<sup>25</sup>

On December 21 and December 22, 1975, committee members Richard L. Ottinger (D.-N.Y.), Paul N. McCloskey, Jr. (R.-Calif.), Benjamin A. Gilman (R.-N.Y.), and Gillespie V. Montgomery (D.-Miss.), Chairman of the House Select Committee on Missing Persons in Southeast Asia, held meetings in Hanoi with officials of the Democratic Republic of Vietnam. The U.S. representatives stressed the importance of the departure from South Vietnam of those Americans desiring to leave.

Mr. Phan Hien, Deputy Foreign Minister of the Democratic Republic of Vietnam responded to the Congressmen by saying: "Our policy is that if anyone wants to go from South Vietnam, they can." Although it took several months for Vietnam to implement this policy, the promise to the select committee constituted a significant breakthrough in obtaining the release of these Americans.

Also, during the Hanoi meetings, Hon. Ottinger inquired about Mr. Leonard Judson who resided at a Red Cross building in Saigon and reportedly was going blind. Mr. Hien promised that he would look into this matter.<sup>26</sup> Mr. Judson departed South Vietnam for the United States a few months later.

An important element in the discussions in Hanoi, which contributed significantly to the departure of the Americans from South Vietnam, was the mutually expressed hope for improved Vietnamese-American relations.

Between the December 1975 meetings in Hanoi and the departure of 50 American citizens and dependents from Saigon in August 1976, the select committee continued to make every effort on behalf of those still in South Vietnam. Discussions were held with several American citizens recently returned from Vietnam, as well as with private citizens and organizations with continuing interests in Vietnam.

In a January 1976 meeting with the operations director of the Executive Board of the International Committee of the Red Cross (ICRC), committee members learned first-hand the ways in which the Red Cross could assist. As the ICRC maintained lists of people known to be in South Vietnam, and since the committee was called upon for assistance by scores of congressional offices and relatives of the stranded Americans, the select committee was able to act as a useful intermediary in obtaining ICRC assistance.<sup>27</sup>

During an April 1976 trip to Geneva as Congressional Advisor to the International Diplomatic Conference on Humanitarian Law in Armed Conflict, Chairman Montgomery discussed the situation with

<sup>24</sup> Memorandum for the Record. Subject: Meeting in Paris, dated December 6, 1975.

<sup>25</sup> *Ibid.*

<sup>26</sup> Memorandum for the Record. Subject: Afternoon Meeting December 21, 1975, in Hanoi.

<sup>27</sup> Memorandum for the Record. Subject: January 22, 1976 meeting with Mr. Jean Pierre Hocke, and subsequent congressional requests.

foreign delegates as well as officials of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross.<sup>28</sup> The chairman asked these officials to use their good offices to assist in the expeditious repatriation of American citizens. He later publicly expressed his disappointment, both in Geneva and on return to Washington, D.C., that more Americans were not leaving South Vietnam. On May 2, for example, he announced:

I have just conveyed to the Premier of North Vietnam my disappointment and deep concern over the plight of those American citizens who were trapped in the fall of South Vietnam a year ago and have been unable to leave.

When the select committee was in Paris and Hanoi last December, we were led to believe that no obstacles would be placed in the path of those who wished to depart. To date, only three of our citizens have been permitted to come out. At that rate it will take 10 years for them all to come home.

In Geneva I had the opportunity to speak with several officials connected with humanitarian organizations, and learned that other foreign nations in Saigon have been coming out routinely. The same should apply to our people, whose presence there is innocent and accidental.

Since my return to the United States, I learned from other sources that some of our citizens are in poor health and most are in need of financial assistance. Unfortunately, it is very difficult for their relatives to cable money to them, thus making the problem worse.

We had straightforward talks with the Vietnamese leaders last December and have communicated with them several times since. I must repeat, however, that the select committee is disappointed with the lack of action in releasing American citizens, and we hope they will soon be permitted to come home.<sup>29</sup>

As indicated in his statement, the chairman was also making his views known by private communication with Vietnamese leaders, including Premier Pham Van Dong. In June 1976, Chairman Montgomery again wrote to Pham Van Dong, expressing his thanks for Ambassador Sung's recent reply concerning the disposition of American citizens in South Vietnam. The chairman stressed the limited time available to the committee, and the urgency for action. Largely as a result of these efforts, the select committee was informed that a large group of Americans would be allowed to leave Saigon. In early June, however, reports from Saigon indicated their departure would be postponed. Chairman Montgomery again acted, both publicly and privately, labeling their detention as a very disturbing development.

I have just telegraphed the Government of Vietnam regarding the last minute detention of these Americans. According to press reports emanating from Southeast Asia, up to 40 Americans were scheduled to leave Vietnam this past

<sup>28</sup> Memorandum for the Record, Subject: April 23-24, 1976, Meeting in Geneva.

<sup>29</sup> News Release by Gillespie V. Montgomery, Chairman of the House Select Committee on Missing Persons in Southeast Asia, May 2, 1976.



weekend. Many of them had already been placed on passenger manifests when their departure was unexpectedly cancelled.

We were told in Hanoi last December that no obstacle would be placed in the path of Americans seeking to leave South Vietnam. The members of the Select Committee on Missing Persons in Southeast Asia are most concerned that the Vietnamese follow through on this pledge. Once again, we call upon the Government of Vietnam to expedite the return of these American citizens.<sup>30</sup>

Eight days later, July 21, 1976, the Vietnamese responded to Chairman Montgomery:

The Americans trapped in South Vietnam will be authorized to leave South Vietnam with their wives and children in early August 1976, with the aid of the HCR.

It was with some satisfaction, therefore, that Chairman Montgomery and the members of the select committee learned of the departure of 50 American citizens and dependents from Saigon in early August 1976. Chairman Montgomery also received a personal telephonic notification of their impending departure from the Vietnamese Embassy in Paris.

The select committee understood that a few American citizens remained in Vietnam, including Arlo Gay and Tucker Gougglemann. It was also aware that several dozens of dependents of American citizens remain there. On the committee's behalf, the chairman immediately wrote to Pham Van Dong, asking for the release of Gay and Gougglemann and of all Americans and their dependents during the latter part of 1976.

In total, during its tenure, the select committee noted the departure from South Vietnam of 68 American citizens and dependents, including Arlo Gay who was released in September 1976.

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<sup>30</sup> News Release by Gillespie V. Montgomery, Chairman of the House Select Committee on Missing Persons in Southeast Asia, July 13, 1976.

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### CHAPTER III.—POSSIBLY ALIVE?—PUBLIC INVESTIGATIONS

Grief, uncertainty, and frustration characterized the POW/MIA issue at the time the House Select Committee on Missing Persons was established on September 11, 1975.<sup>1</sup>

The frustration rose from the refusal of the Indochinese governments to release information, and the inability of the Department of State to gain an accounting for Americans still missing in Indochina as a result of the war. The grief and uncertainty natural to those who were still missing a loved one and uncertain of his fate were, in this case, intensified by reports and rumors issuing from Indochina that American prisoners had been sighted and that significant numbers of Americans were still being held in prison camps. In some cases, charlatans and intelligence fabricators were known to be preying on the hopes of unsuspecting families. These rumors and reports were widely circulated in the United States and widely believed.

Logic and facts nourished other's hopes. Some speculated that a single American might still possibly be evading capture in a remote corner of Laos or North Vietnam. For others, it did not seem possible that all the missing had died, particularly since some had been reported alive on the ground. For still others, it did not seem possible that of more than 300 missing in Laos, only 9 POW's had survived and been returned in "Operation Homecoming."

It was in this context of ineffective diplomatic efforts to gain an accounting; suspicion, doubt and disappointed hopes; and widely circulating, seemingly plausible stories of captive Americans that the House Select Committee on Missing Persons in Southeast Asia began its investigation.

Clearly, the most urgent and important activity of the select committee was to investigate and determine if any Americans were still held captive in any of the Indochinese countries.

Of the 2.6 million Americans, military and civilian, who served in the war in Indochina, 2,546 did not return to the United States. These Americans were killed or became missing during a 12-year period in five different countries.

Of particular interest to the committee were the Americans still classified as prisoners of war. Logically, those cases should have contained the strongest evidence that the individuals were taken as prisoners. Because of the multiplicity of the reports of Americans still held captive, however, and a distrust of Communist disclaimers that all prisoners of war had been returned in 1973, the select committee began its investigation on the assumption that many of those classified as MIA might also still be alive and held captive.

<sup>1</sup> Those characteristics were clearly evident in Congressional hearings held on POW/MIA matters in the period 1973-75. See, for example, *Hearings on H.R. 16520, Legislation Concerning the Changing of Status of Military Personnel Missing in Action*, before Subcommittee No. 2 of the Committee on Armed Services, House of Representatives, 93d Congress, 2d Session, October 10, November 19, 1974.

TABLE 1.1—AMERICANS MISSING OR THOSE WHO HAVE BEEN DECLARED DEAD—BODIES NOT RECOVERED

Country	Servicemen <sup>2</sup>				Civilians	
	MIA	POW	PFOD	KIA (BNR)	Missing	Presumed dead <sup>3</sup>
North Vietnam.....	247	15	213	294	0	0
South Vietnam.....	227	14	300	566	13	12
Laos.....	233	2	109	206	5	4
Cambodia.....	19	2	7	47	7	0
China.....	2	0	2	0	0	0
Subtotal.....	728	33 1,392	631	1,113	25	16
Grand total.....			2,505			41

<sup>1</sup> Based on Department of State official record, "U.S. Civilians Missing, Killed, or Unaccounted For in Southeast Asia," Nov. 1976; and Department of Defense official record, "Table 1051, Number of Casualties Incurred by U.S. Military Personnel in Connection with the Conflict in Vietnam," Nov. 1976.

<sup>2</sup> MIA, POW, PFOD, and KIA (BNR) refer respectively to those Americans currently listed as "missing-in-action," "prisoner of war," "presumed dead (presumptive finding of death)," and "killed in action with body not recovered."

<sup>3</sup> Includes both those for whom a State Department Form FS-192 has been issued and those identified by the Provisional Revolutionary Government (of Vietnam) as died in captivity.

In the public hearings held during the select committee's 15-month investigation, many witnesses were questioned about the possibility of live Americans still held captive in Indochina. The witnesses included concerned citizens, MIA wives, leaders of MIA/POW national organizations, recent returnees from Vietnam, representatives of the responsible government agencies, and men who were held captive as POW's in Laos, North Vietnam, South Vietnam, and Cambodia.

Obviously not all these witnesses could address the question with equal authority. Some could only express their personal conviction or "gut feeling" that men were or were not still alive and held captive, offering no evidence for their argument in either case, but often citing another authority. Others, more knowledgeable about Indochinese affairs and in positions with access to recent intelligence reports from Indochina, could address the questions with greater authority and cogency. Knowledgeability and success to the most current information became the most important criteria in evaluating witnesses' statements.

The two most authoritative voices to address themselves to this question were government officials. Both had the greatest access to current intelligence on sightings and reports of live Americans in Indochina. The first was Gen. Vernon A. Walters, Deputy Director of the Central Intelligence Agency and, on this occasion, spokesman for the American Intelligence Community. The other was Deputy Assistant Secretary of Defense Dr. Roger Shields.

#### REPORT FROM THE INTELLIGENCE COMMUNITY

In a hearing on March 17, 1976, General Walters apprised the committee of the worldwide efforts of the intelligence community to gain information on POW's and MIA's since 1961. At the time of the hearing, General Walters also submitted a prepared statement for the record.

General Walters prefaced his testimony with the comment:

These remarks, which have been coordinated with responsible elements of the intelligence community, summarize in a factual and realistic manner all of the reliable, substantive,



and pertinent information bearing on the current PW/MIA problem.<sup>2</sup>

General Walters briefly described the history and magnitude of the intelligence community's efforts to gain information, and indicated the sources on which his report would be based. These sources included thousands of debriefings and interrogations, all debriefings of escapees and returnees, information from sensitive sources, unclassified information from the media, and eye-witness reports from those who participated in combat actions in which Americans were lost. General Walters then proceeded with a country-by-country analysis of past and current intelligence information on missing Americans.

Country	CAMBODIA					
	Servicemen				Civilians	
	MIA	POW	PFOD	KIA (BNR)	Missing	Presumed dead
Cambodia.....	19	2	7	47	7	0

POW returnees held in Cambodia indicated that everyone they knew of had either returned or been reported as having died in captivity. General Walters mentioned one American deserter active in Cambodia as late as 1974, but he stated that no reliable information has been received in 3 years on other U.S. personnel missing there, nor had there been recent confirmed information on the two American civilians who stayed in Phnom Penh when it was taken over by the Khmer Rouge in April 1975. In his prepared statement, General Walters devoted special attention to reports since 1973.

Approximately 30 reports of U.S. PW's alive in Cambodia were received from 1973 through April 1975. Several reports were also received indicating that some U.S. personnel who were captured had been killed by their captors or died as a result of wounds sustained prior to or during capture. Since several U.S. personnel, who were known to have been captured in Cambodia, were never accounted for, these reports caused exceptional concern. Each of these reports was analyzed in detail, and, whenever possible, the sources were recontacted to clarify the information they had provided. Most of these reports were (1) related to known U.S. deserters and defectors; (2) refuted as fabricated or embellished accounts based on the former presence of U.S. PW's in Cambodia, PW's who had been released during Operation Homecoming; or (3) of limited value because they could not be correlated to any known Americans. When questioned, most sources changed their stories. As a result, the original sighting information became less credible.

\* \* \* After the evacuation from Phnom Penh in April 1975, two U.S. civilians were unaccounted for. One unconfirmed report indicated that one of these individuals was seen being led away at gunpoint by Communist forces and that the other was executed.<sup>3</sup>

<sup>2</sup> Select Committee Hearings, part 3, p. 119.

<sup>3</sup> *Ibid.*, pp. 206-07.

## LAOS

Country	Servicemen				Civilians	
	MIA	POW	PFOD	KIA (BNR)	Missing	Presumed dead
Laos.....	233	2	109	206	5	4

General Walters stated that the returnees in "Operation Homecoming" had no first-hand information on any other Americans missing in Laos besides the nine who were returned. A more recent releasee, Mr. Emmet Kay, an American pilot held captive in Laos for 14 months during 1973-74, could furnish no additional knowledge of other Americans missing in Laos.<sup>4</sup> The last reliable report on American journalist Charles Dean, who disappeared in central Laos in September 1974 with an Australian companion, Mr. Neil Sharman, dates from February 1975.<sup>5</sup>

General Walters' prepared statement was specific about reports on Americans in Laos.

Between 1973 and April 1975, 13 reports from Laos mentioned U.S. PW's being held in Khammouane Province during 1973 and 1974, and 25 reports mentioned sightings of Mr. Charles Dean, U.S. civilian, and his companion, Mr. Neil Sharman, Australian civilian. These two men were seen or known to be in Laos together in September 1974, but then "disappeared."

Polygraph examination of sources of reports on U.S. PW's in Khammouane Province determined that the majority of these reports were fabricated, but that some were reliable. According to the apparently reliable information, Dean and Sharman were last seen alive at Ban Phontan, Khammouane Province, on February 23, 1975.

The Pathet Lao have continually denied any knowledge of the two individuals. All diplomatic efforts to obtain information have been in vain. The Pathet Lao have consistently refused to provide information on any of the Americans not accounted for in Laos.

Thai and Lao nationals released by the Pathet Lao in the prisoner exchange of September through November 1974 provided several reports of American PW's sighted earlier in Laos and fragmentary information on crash sites. All of the sighting reports except one could be related to U.S. personnel captured in Laos, moved to North Vietnam, and released during Operation Homecoming.

\* \* \* The Communist Pathet Lao assumed control of government on August 23, 1975; the Communist government of Laos has not furnished any additional information regarding U.S. personnel not accounted for.<sup>6</sup>

<sup>4</sup> A brief description of Emmet Kay's captivity can be found in Select Committee Hearings, part 5.

<sup>5</sup> For an account of the Dean-Sharman case, see Select Committee Hearings, part 3, pp. 282-6.

<sup>6</sup> Select Committee hearings, pt. 3, pp. 207-08. Questioned later about why so few Americans returned from Laos—only 9 of more than 300, most involved in aircraft incidents—General Walters mentioned the difficulties of the terrain and suggested that few had survived their shootdowns: "One of the factors in Laos that I might point out is we have knowledge of some 300 people who went down. A small percentage of these are believed to have survived of the people who were shot down. What happened thereafter we do not have any intelligence. We can speculate, but intelligence we do not have." (*Ibid.* p. 132).

## NORTH VIETNAM

Country	Servicemen				Civilians	
	MIA	POW	PFOD	KIA (BNR)	Missing	Presumed dead
North Vietnam.....	247	15	213	294	0	0

The debriefing of the prisoners who returned in "Operation Homecoming" established that all Americans known to have been in the North Vietnamese prison system had been accounted for either as having returned or as having died in prison.<sup>7</sup> There are cases where men were known to have survived their incident, but subsequent information on their fate is lacking.

Rumors of Americans still held captive in North Vietnam continued to circulate. Some reports had been correlated with Americans already released, but, according to General Walters, "There has been no substantive reporting, confirmed or confirmable, of Americans still being held captive in North Vietnam."<sup>8</sup> The General also remarked that the nine Americans trapped in the Central Highlands during the North Vietnamese spring offensive of 1975 and then taken to Hanoi had no further information on missing Americans in North Vietnam.<sup>9</sup>

General Walters' prepared statement gave more detailed information on these reports.

From 1973 until the fall of Saigon in April 1975, reporting on U.S. personnel missing, captured, or killed in North Vietnam continued. Rallies, released South Vietnamese, and captured North Vietnamese were debriefed, and the information (similar in nature to that received prior to 1973) was analyzed in great detail.

Sources were reinterrogated, when required, to clarify specific locations, dates and sequences of events. During this time frame, no substantive reports were received to indicate that any U.S. PW's were still being held in North Vietnam. Of the approximately 20 reports per month received, most related to returned PW's or contained information that the U.S. personnel to whom the reports could be correlated did not survive their shootdown incident or were killed. The remaining reports could not be correlated to any American.

\* \* \* \* \*

Since the fall of Saigon in April 1975, no substantive reports have been received concerning U.S. personnel unaccounted for in North Vietnam.<sup>10</sup>

## SOUTH VIETNAM

Country	Servicemen				Civilians	
	MIA	POW	PFOD	KIA (BNR)	Missing	Presumed dead
South Vietnam.....	227	14	300	566	13	12

<sup>7</sup> In 23 cases, the captured Americans were reported by the DRV as having died in captivity; these men were last seen alive by returnees, but their physical or mental condition strongly suggested they would not survive.

<sup>8</sup> Select Committee Hearings, part 3, p. 123.

<sup>9</sup> Two of these nine, Mr. Paul Struharik and Mr. Jay Scarborough, testified before the Select Committee. See Select Committee Hearings, part 2, pp. 24-37, 53-55.

<sup>10</sup> Select Committee Hearings, part 3, p. 208.

One American, captured in 1965, was known to have collaborated with the enemy from 1967 to 1969, and perhaps until as late as August 1973. However, according to General Walters, all Americans captured in South Vietnam who were known to the prisoners returning in "Operation Homecoming" were accounted for. There were cases of men known to have been captured and alive in enemy hands for whom no accounting was ever given. "We have no substantial information on any of these cases of missing Americans", declared General Walters.<sup>11</sup>

An indication of the volume and reliability of reports relating to Americans allegedly held captive in South Vietnam was given in General Walters' prepared statement.

\* \* \* The volume of intelligence reporting after Operation Homecoming remained at approximately pre-Homecoming levels until the 1975 Communist spring offensive in South Vietnam. The number of PW reports regarding Americans in South Vietnam received from the field during this time period averaged 15 to 20 reports per month. The majority of these reports referred to Americans who allegedly were sighted prior to 1973. No significant change in the reliability of the reporting was noted during this period.

The validity of the reporting during the period between Homecoming and April 1975 was evaluated as follows: About 40 percent of the reports received were determined to be true based upon correlation with the data base or confirmation from other sources. About 40 percent of the reporting could not be evaluated for various reasons, such as: (1) insufficient casualty information in the report, or (2) the report contained information in partial conflict with the data base.

About 20 percent of the reports were evaluated as doubtful or false. Although there were several reports alleging Americans were being held in captivity after Operation Homecoming, none could be equated to Americans who had not been accounted for. There is, however, one exception. An American was captured in Quang Nam Province, South Vietnam in 1965, but later "crossed over" to the enemy and possibly is still alive in South Vietnam. According to U.S. returnees who had contact with this individual, he was a legitimate prisoner from 1965 to 1967, before joining the ranks of the enemy.

\* \* \* Since April 1975 there have been many first-hand and hearsay reports of Americans still in South Vietnam. Analysis indicates most of these reports refer to the American civilians who were not evacuated from South Vietnam in April 1975. The validity of the small number of fragmentary reports about Americans other than those known to have missed evacuation has been impossible to determine. The capability for follow-up on such reports is limited to re-questioning of sources who have departed South Vietnam, and questioning of any future escapees or persons allowed to leave South Vietnam.<sup>12</sup>

<sup>11</sup> *Ibid.*, p. 123.

<sup>12</sup> *Ibid.*, pp. 206-208.



## CHINA

Country	Servicemen				Civilians	
	MIA	POW	PFOD	KIA (BNR)	Missing	Presumed dead
China.....	2	0	2	0	0	0

When questioned about the rumors that some American POW's had been taken into southern China, General Walters said that these rumors had been tracked down and no evidence found to substantiate them. He added:

Let me put it this way. There was no evidence from the area or from any CIA activity in that area there were any American prisoners being held in China or in that border area.<sup>13</sup>

General Walters summarized the intelligence community's assessment of reports on Americans still held captive in Indochina in the following way:

There are cases where we are certain that the Communist governments of Indochina could account for the fate of persons known to have been alive since 1973 and in captivity or under Communist control. But we have no firm evidence that American PW's from the period before 1973 are still being held.<sup>14</sup>

Or, as he said in his prepared statement:

Since April 1975 there has been no hard evidence that American PW's captured before the fall of Saigon are still being held in PW camps or elsewhere in South Vietnam. There has been no new substantive information from North Vietnam. Reports from Cambodia and Laos have been few and not very informative. There remains the possibility that one American civilian is alive in Laos and one American deserter in Cambodia.<sup>15</sup>

Concluding his testimony, General Walters drew the threads of his information on this subject into one brief statement:

A review of the intelligence community's holdings shows that we have no confirmed information that additional American PW's are still being held in captivity in Southeast Asia or elsewhere, as a result of the Indochina war.<sup>16</sup>

## REPORT FROM THE DEPARTMENT OF DEFENSE

As Deputy Assistant Secretary of Defense and the Defense Department's official who had been intimately involved in MIA/POW affairs for more than 5 years, Dr. Roger Shields had access to all intelligence information and a unique familiarity with the POW/MIA issue. He testified before the select committee on four occasions in the course of

<sup>13</sup> *Ibid.*, p. 133. See also a similar statement by General Walters in his prepared statement, *ibid.*, p. 208.

<sup>14</sup> *Ibid.*, p. 123.

<sup>15</sup> For similar statements in the questions period following General Walters' testimony, see *ibid.*, pp. 128 and 132.

<sup>16</sup> *Ibid.*, p. 125. For a similar conclusion in his prepared statement, see *ibid.*, p. 208.

its investigation. Twice his remarks focused on the reports of live Americans, and on both occasions his comments reinforced those of General Walters.

Dr. Shields was doubtful that any Americans were still held captive in Indochina. At a hearing on September 30, 1975, Dr. Shields remarked:

At the present time the distinction between "prisoner of war" and "missing in action" is probably an academic one. \* \* \* 17

He stated that intelligence reports had been reduced drastically since the fall of South Vietnam. Of the reports since the signing of the Paris Peace Agreement in 1973, he stated:

With regard to the other reports we have received, we have never been able to correlate them positively with Americans, with military who would still be held captive in Southeast Asia. We have endeavored, even through the use of such things as polygraph tests for informers who would come over and tell us these things, to find out if we could pinpoint these reports which we had received so that we could refine them and say, yes, that's valid, we are sure some Americans are there. We have never been able to do that.<sup>18</sup>

In a later exchange with Congressman Henry B. Gonzalez (D-Tex.), Dr. Shields evinced the same caution and doubt:

Mr. GONZALEZ. So in terms of numbers, what or how many would you feel there is reason to believe are alive?

Dr. SHIELDS. That's the most difficult question of all to answer. My own feeling—and anyone working in this area simply forms his or her own judgment—frankly, is one of question.

There were men alive at one time. Whether these men are still alive or not is an open question.

There are men who should have been captured, who were alive, having successfully ejected from an aircraft, who were seen alive on the ground who talked to the men in the air and said "Here comes the enemy, and I'll see you when the war is over," and of whom we have heard nothing more.

When you look at the other side of the question North Vietnam, the P.R.G. and the Pathet Lao have steadfastly denied there are any living Americans held prisoner now.

\* \* \* As for how many men are still alive, it's certainly possible that some men are, but throughout this whole thing we have not been able to put our hands on a missing man who is alive and say he is alive.<sup>19</sup>

At a later hearing in February 1976, Dr. Shields was asked the number of men known to have been alive, on the ground, in enemy territory. Dr. Shields replied that it was certainly less than 20 for

<sup>17</sup> Select Committee Hearings, part 1, p. 31.

<sup>18</sup> *Ibid.*, p. 34.

<sup>19</sup> *Ibid.*, p. 37.

all of Indochina, and estimated no more than a handful for any Indochinese country.<sup>20</sup>

General Walters and Dr. Shields were not the only witnesses to raise doubts that Americans were still captive in Indochina. However, it was most significant that neither the spokesman for the American intelligence community nor the Defense Department official directly responsible for POW/MIA matters could find evidence to support the belief that Americans were still held captive in Indochina. Their authority was certainly not considered infallible. Any contradictory report, however, would henceforth be studied carefully and evaluated in terms of substantiating evidence.

#### ADDITIONAL TESTIMONY

Many other witnesses gave strong expression to their convictions that some Americans were still alive, or that many, if not all, were dead. The committee had to scrutinize carefully the credentials of witnesses to address this question.

Several witnesses addressed themselves to the question of whether any missing Americans were alive in all of Indochina.

##### *General Kingston, JCRC Director*

One witness with considerable authority to speak on this subject was Maj. Gen. Robert C. Kingston, first commander of the Joint Casualty Resolution Center (JCRC) from the time it was formed in early 1973 until January 1974. General Kingston's testimony focussed on the JCRC, its history and methods. But during the question-and-answer period following his testimony, a question was posed about Americans still alive in Vietnam. General Kingston broadened his response to include all of Indochina.

Mr. GONZALEZ. \* \* \* Is it your feeling or opinion that there are Americans yet alive in Vietnam?

General KINGSTON. No, sir. I do not believe there are Americans still alive in Southeast Asia, with the possible exception of eastern Cambodia; and they are probably not military.<sup>21</sup>

##### *Adm. John McCain*

Adm. John McCain was more hopeful and optimistic. He served as Commander in Chief, Pacific, from 1968 to 1972.

During that period, he had access to all intelligence reports, and in his testimony, he spoke of the high priority given POW/MIA concerns.

Admiral McCain repeatedly asserted that he felt a small number of Americans was still alive in Indochina. When asked how many, he opined that perhaps 20-30 were alive. When asked whether he had "any evidence at all that there is anybody alive", he admitted he did not. His opinion, he said, was based on a deep distrust of the Communists and POW/MIA reports he had seen as Commander in Chief 4 to 8 years earlier. He added that his son, who was 5½ years a POW in North Vietnam, had passed no information to him that any Americans were still alive.<sup>22</sup>

<sup>20</sup> Select Committee Hearings, part 3, pp. 25-26.

<sup>21</sup> Select Committee Hearings, part 2, p. 71.

<sup>22</sup> Select Committee Hearings, part 3, pp. 42-3, 46, and 48.

*Dr. Henry J. Kenny*

During a November–December 1975 trip to Southeast Asia, Dr. Henry Kenny, professional staff member for the select committee, met with Mr. Sone Khamvanevongsa, Pathet Lao Representative in Vientiane; Mr. Soubanh Srithirath, Chief of Cabinet of the Lao Foreign Ministry; and Dr. Chansamone Vongsaphay, Director of Political Affairs in the Foreign Ministry. Dr. Kenny reported on the discussions as follows:

I emphasized to all three the possibility of a live American being located somewhere in a remote village or farm in Laos. I particularly noted that given the size of the country, the sparsity of the population, and the fact that the war was going on, but was now over, that conditions might exist now to find such a person whereas it would previously have been impossible or more difficult to do so. \* \* \*

Regarding the possibility of a live American in Laos, all three responded by saying that all prisoners had been returned just after the agreement of February 1973.<sup>23</sup>

One official, however, admitted the possibility that an American might be alive in some remote corner of Laos, though he knew of none.<sup>24</sup>

Dr. Kenny further reported that he discussed the question of what happened to specific individuals, by name, but that the Pathet Lao denied any knowledge of their fate.

Dr. Kenny was then questioned regarding the possibility of survival in Laos.

Mr. GUYER. We do know that military people were found alive after World War II on both Okinawa and in the Philippines, people who were not deserters, who were hiding out on their own, and they could have walked away from the scene. Would there have been enough friendliness in Vietnam for such people to have been taken in and to have survived?

Dr. KENNY. No, I don't think so. I talked to the British defense attaché, who—if he is not the world's foremost expert on survival—he nearly is. He thought it would be most difficult for anyone to survive in that type of terrain, especially in view of its lack of good or sufficient food.<sup>25</sup>

When questioned regarding his personal opinion on live American prisoners, Dr. Kenny said he felt it might be possible that less than five Americans could be alive, but that he was given no evidence to support such a belief.<sup>26</sup>

Other witnesses based their convictions that men were alive in Indochina on public sources of information, such as statements from Indochinese governments or the classifications of the Department of Defense.

<sup>23</sup> Select Committee Hearings, part 2, p. 77.

<sup>24</sup> Select Committee Hearings, part 2, pp. 77–78.

<sup>25</sup> Select Committee Hearings, part 2, p. 84. The British officer was former commander of the famous Jungle Warfare School in Malayasia, which placed great emphasis on survival in tropical areas.

<sup>26</sup> *Ibid.*, p. 85.



*Mr. E. C. Mills, National League of Families*

Mr. E. C. Mills, father of an MIA and then Chairman of the Board of Directors of the National League of Families, emphasized the fact that some were known to have been alive on the ground, yet were not returned in 1973 and were not accounted for. He also drew attention to the number still carried as POW.

Mr. MILLS. \* \* \* In fact, I would say that the remaining 36 POW's that the Defense Department carries as POW's, they did not put them on there unless they pretty well determined they were at one time POW's, yet they did not return home. So each of the 36, I would say, would be a discrepancy that we would hope you would look into. We will furnish you, if you would like, information regarding these, where they live, and so forth.<sup>27</sup>

Mr. Mills' implication was that some were still alive, and an accounting, at least, should be demanded.

*Mr. George Brooks, National League of Families*

Mr. George Brooks, an MIA father and at the time a board member of the National League of Families, thought it a great possibility that some MIA's were still alive.

I would like to impress upon the committee—I know you have many other problems which you have to be involved with, with your constituents—but I do not want anyone to think that MIA necessarily means dead, because we have had instances in the past, at the time of the release from Hanoi, many of those men at that time were MIA and had been MIA. I have had many good moments in this whole thing, but one of the best moments I had was when I was standing alongside of a good friend of mine by the name of Henderson when a release came out here in Washington. He looked at the list and saw his son's name on there. That is the first time that he knew he was alive in over 5 years.

You have the case of a man who was released after the Korean war who had been held in China for a long period of time.

You have the story of Marian Harbat, who wrote a book, "Captured or Captivity," was picked up by the Chinese Communists and held for years in China, with no notification to this country. She certainly was not military. Finally, she came home and found there were memorial services for them.<sup>28</sup>

*Mrs. Iris Powers, The National League of Families*

Other witnesses, former officials of the National League of Families, expressed the opposite viewpoint about American captives in Indochina. Mrs. Iris Powers, an MIA mother and one of the founders of the National League, was extremely doubtful that there were any Americans still held captive in Indochina.

<sup>27</sup> Select Committee Hearings, part 1, p. 67. Two of the 36 POW's referred to by Mr. Mills on October 9, 1975, have since been presumed dead.

<sup>28</sup> *Ibid.*, p. 73.

Let me turn now to our present predicament and my feelings.

As an MIA next-of-kin who has been fortunate enough to live in this area and be privy not only to the inner workings of our Government through my association with the league from 1970 to 1974, but privy also to the considered judgment of many notables in the field of Asian affairs who were not immediately involved in the POW/MIA issue, and I have come to some conclusions.

To the question of:

1. Are there men still alive and being held captive in Southeast Asia? My answer would be, "Not likely." Having listened to Navy Comdr. George Coker, a returnee, and reading the transcript of a 4-hour-long presentation made to the league board in October of 1972 at my request as chairman, I would agree with his logic.<sup>29</sup>

An MIA wife at the same hearing, Mrs. Vinson, agreed with Mrs. Powers.

Mrs. VINSON. There is no definite knowledge that there is anyone alive. In talking to people after the so-called end of the Vietnam war, there has not been presented any evidence that I am aware of that has been substantiated there were any Caucasians alive or sighted anywhere in Southeast Asia.

\* \* \* I am speaking for myself. I personally do not believe that my husband is alive. I really feel very sorry for anybody who honestly thinks that her husband or son is alive. That is pure hell, because I know for 6 years I still had the hope that my husband was alive. I think having accepted the fact that he is dead also brings you some peace.<sup>30</sup>

Witnesses that testified about Americans held captive in particular Indochinese countries reflected some of the same conflicting opinions.

#### CAMBODIA

*Mr. Walter Cronkite, Chairman, Committee to Free Journalists*

Mr. Walter Cronkite, CBS Newsman and Chairman of the Committee to Free Journalists held in Southeast Asia, testified on his committee's efforts to gain information on the five American journalists lost in Cambodia in 1970.

Reliable reports on some Americans in eastern Cambodia had been obtained as late as September 1973, 3 years after the journalists were lost. However, Mr. Cronkite could report no reliable reports since then, and when requests for information were made of Cambodian officials, they replied that they had "absolutely no knowledge of missing Americans".<sup>31</sup>

*Mr. Richard Dudman, Cambodian POW*

Mr. Richard Dudman testified at the same hearing with Mr. Cronkite. Mr. Dudman, a journalist for the St. Louis Post-Dispatch, was

<sup>29</sup> Select Committee Hearings, part 2, p. 43. Commander Coker's statement is in Select Committee Hearings, part 2, pp. 103-130.

<sup>30</sup> *Ibid.*, pp. 45 and 51.

<sup>31</sup> Select Committee Hearings, part 3, p. 143.

captured in May of 1970 and held as a prisoner in Cambodia for 40 days. In his testimony, Mr. Dudman recounted his physical condition.

Mr. Morrow and I both suffered from boils that I found out after my release were one of the symptoms of an Asian disease known as melioidosis. It is a bloodstream infection that has a fatality rate of about 50 percent in some cases. It is found endemic in the soil of that area.

I mentioned dysentery. That is a constant hazard. We had bad water several times. \* \* \* The food was not really adequate for a westerner. We were urged to eat as much rice as we could hold \* \* \* but I was down to about 135 pounds from a normal 155-160.<sup>32</sup>

He had no additional information on missing Americans. However, difficulties of his captivity pointed to the hazards of life in Cambodia, and raised the question of the probability of survival.

A question on that topic emerged later in the hearing.

The CHAIRMAN. \* \* \* Considering the climate in Cambodia, the heavy vegetation, the diseases in that country, and other problems that go with Cambodia, what would be the odds that these five or six Americans that were seen alive—and we know they were alive in 1972 and 1973, as Mr. Cronkite detailed—could still be alive in March of 1976?

MR. CRONKITE. Mr. Chairman, I wouldn't even put a figure on that as to the odds. I just have absolutely no way of knowing. I don't think anyone really knows what the conditions in Cambodia today are. You hear horror stories of what the regime is doing with their own population. We hear that they have a great problem with food supplies, that they have driven people into the countryside and forced the city workers to go into the fields to attempt to grow and harvest their own food.

I would think that the foreign correspondents who were Americans I am sure were resourceful.<sup>33</sup>

*Lt. Col. Raymond Schrump (Ret.), Cambodian POW*

Lt. Col. Raymond Schrump, a Special Forces officer captured in South Vietnam in 1968, recounted the circumstances of his capture and the treatment he received during the next 5 years, while he was captive for 3 years in South Vietnam and 2 years in Cambodia. About the possibility of Americans still held captive, he said:

I would like to state that I personally believe that they are still holding men in Indochina. I have no fact to base this on. It is just a gut feeling that I have. I don't think that North Vietnam or South Vietnam are holding prisoners in either one or those countries. I think if there is anyone alive, they are in Cambodia or Laos. And this way, the North Vietnamese can deny holding any prisoners. And I do not think we will ever know about Cambodia for years to come. \* \* \* Probably you could count them on your fingers.<sup>34</sup>

<sup>32</sup> *Ibid.*, p. 148.

<sup>33</sup> *Ibid.*, p. 150.

<sup>34</sup> Select Committee Hearings, part 4, pp. 86 and 89.

Mr. Schrump was questioned further about other Americans he had seen who were not accounted for.

Colonel Schrump later recounted seeing two severely wounded Americans as he was being brought into a prison camp. When he tried to speak with the Americans, he was struck in the head with a rifle butt. He never learned their identities and was unable to identify them.<sup>35</sup>

Colonel Schrump was also asked about the possibility of survival.

Mr. GILMAN. In your opinion, would someone who was captured in Cambodia or Laos be able to survive all of these years without having come forward?

Mr. SCHRUMP. Only if he was held captive. On his own, in an escape or evasion type situation, I don't believe they could survive. But being held, they can take just as good care of you as they can their own people, if they want to.<sup>36</sup>

Colonel Schrump then related experiences indicating POW's were not so well taken care of. He himself was placed in a covered hole for 30 days, without washing or toilet facilities, and with the barest food allowance. He also recounted the gruesome stories of three fellow American POW's who died at the not-so-tender mercy of their Viet Cong captors.<sup>37</sup>

#### *A case study—WO Michael Varnado*

The select committee devoted a hearing to the special case of an individual lost in Cambodia, Warrant Officer Michael Varnado. Mr. Varnado was listed as missing in action in Cambodia in early May 1970. For almost 3 years, he was carried as missing in action. Then his name appeared on a list of the died in captivity provided to American negotiators on January 27, 1973. A short time later, statements were also received in debriefings from returned prisoners of war, indicating they had seen Mr. Varnado in a POW camp in September 1970. He was in very poor health at that time and was supposedly being taken to a hospital. The returned prisoners were of the opinion that he did not survive.

In the light of this new information, the Department of the Army changed Mr. Varnado's status from missing in action to deceased.

According to the witness, Mrs. Willena Varnado, Warrant Officer Varnado's mother, the family considered the case closed. However, in 1975, the Army informed the Varnado family of an intercepted message. The telegram from the Army read:

The source of the report, believed to be an indigenous native, stated that around July 5, 1974, a telegram from Khien Samphan, Deputy Prime Minister of the Royal Government of National Union, was received by the National United Front of Kampuchea (Bureau Politique), in Peking, stating that Mike had been captured and was being held by Communist forces in the Khmer Communist area of Kratie Province, Cambodia, as of July 1974.

The telegram was shown to Prince Norodom Sihanouk, who read it and returned it to the Bureau. The source said

<sup>35</sup> *Ibid.*, p. 88.

<sup>36</sup> *Ibid.*, p. 9.

<sup>37</sup> *Ibid.*, pp. 78-87.



the telegram was only a few lines long and did not mention the health of the prisoner or any plan to move him from Kratie.

It gave only the name and the grade of the American, and stated that he had been captured and was being held by the Cambodian People's National Liberation Armed Forces in Kratie.

Cables of this nature regularly go from Cambodia to Hanoi, then to Peking, but this was the first time in three and a half years an American name was seen.<sup>38</sup>

Committee Staff Director J. Angus MacDonald filled in further details.

Mr. MACDONALD. \* \* \* A second name was mentioned in that cablegram, Army Specialist Fifth Class Harris. He was shot down in a helicopter in 1971. There were reports that he had been killed in the crash, but again, there was no *prima facie* evidence that he was.

I believe what Mrs. Varnado is bringing out is that here were the names of two Americans shot down approximately a year apart, both mentioned 3 or 4 years later in a message from Cambodia and received in Peking, China; the spelling of the names was correct. In the case of Harris, his first name, Glen—G-L-E-N—one N—rather than the usual two N's, and that was the correct spelling.<sup>39</sup>

The appearance of these two names in the same message fired a new hope that the men were alive. However, the source of the information was not entirely reliable, as Mr. MacDonald pointed out:

When this other report came in, it was obviously emanating from a sensitive source in Peking, China, the only way that it would have been possible to know that Prince Norodom Sihanouk had actually seen the message.

When the Army made an attempt to go back and trace the source and get an evaluation of the credibility of that source from the agent, they could no longer contact that particular indigenous individual. Apparently the intelligence community had lost all contact with him.

Although I understand that the Army had posed a series of detailed questions in order to test the nature of the source, as I understand it, the source was described as not yet having established a record of credibility. He had previously provided information to the intelligence community, some of which was reliable and verified, other of which was inaccurate and proved to be so. Because of this, we were unable to test the source.<sup>40</sup>

The Army continued Mr. Varnado in his status as presumed dead.

#### LAOS

Two witnesses with personal experience in Laos answered questions about the probability of American prisoners still held captive in Laos.

<sup>38</sup> Select Committee Hearings, part 3, p. 73.

<sup>39</sup> *Ibid.*, p. 75.

<sup>40</sup> *Ibid.*, p. 74.

The first was a POW captured in Laos and then taken to North Vietnam. The second was an MIA father who had travelled to Laos in search of information on his MIA son and on other missing Americans.

*Mr. Ernest Brace, Laos POW*

Mr. Ernest C. Brace, a civilian pilot captured in Laos in 1965, was held as a prisoner for the next 8 years in Laos and North Vietnam. In his testimony, Mr. Brace described the difficulties he encountered in trying to survive. He was not optimistic about the probability of survival for the approximately 240 Americans still carried as MIA in Laos.

Mr. GILMAN. In your opinion could people survive for any length of time in Laos without communicating with a village? Would they be able to manage?

Mr. BRACE. Well, you could not cross country through the jungles. And if you picked fruit near a village, they are going to know it. Any edible vegetable you pick around a village, they would know it. It is like a garden in the backyard, if someone gets in there and even takes a few things, you are picking from it daily and you would know about it.

I think it would be impossible for a man to survive, without village contact of some sort, longer than 3 or 4 months, let's say, because you will come down with the various diseases.

Even the mountain stream water, you will come down with something out of that water. Some types of parasite, the leeches which have parasites, and the ticks, and the lice from the jungle.<sup>41</sup>

Mr. Brace affirmed the effectiveness of the POW communication system in North Vietnam, stating that everyone he knew or had heard of while he was a prisoner had been accounted for at the time of the POW releases. He had no further information to give on other Americans missing in Laos.<sup>42</sup>

In response to Chairman Montgomery's question concerning the POW's census system and possibility that any other POW's could be alive, Mr. Brace responded.

Mr. BRACE. No. The thing in common among the nine of us that came out of Laos was that every one of us had been captured or immediately after capture had been taken over by the North Vietnamese Regulars. Not a one of us had been held for any period by the Pathet Lao.<sup>43</sup>

Mr. Brace did not think it likely that the Pathet Lao were still holding prisoners.

The CHAIRMAN. Why would the Pathet Lao hold you; do you know? That is one of the problems we are trying to solve: Why would they hold the Americans prisoners in Laos? Or why would they be holding you? Do you have any feel for that?

Mr. BRACE. I see no reason for the Laotians to be holding any Americans in Laos. There is no propaganda value. We

<sup>41</sup> *Ibid.*, p. 179.

<sup>42</sup> *Ibid.*, p. 174.

<sup>43</sup> *Ibid.*, p. 175.

were not workers. We haven't worked in the fields. We are pretty soft compared to their standards.

I see no reason for the Pathet Lao to hold Americans prisoners. There is nothing to be rebuilt in Laos that I can see, unless you want to rebuild the city of Vientiane, which was never really wrecked.

But I think as far as Americans being alive in Laos, I would say it is a possibility, but it is very unlikely.

The CHAIRMAN. A possibility, but very unlikely?

Mr. BRACE. Very unlikely. I see no political reason for it. I see no practical reason for it from the Laotian standpoint whatsoever.<sup>44</sup>

Mr. Brace added that he did not expect any of those still carried as MIA to return.<sup>45</sup>

Finally, he was extremely skeptical about the reliability of the information obtained through private sources.

If you want information about POW's, I have been back in Bangkok several times since I got out, and if you take a wallet full of money over there, you can buy all of the information you want on POW's on the streets. They will give you pictures and everything else, introduce you to contacts, but when you try to run them down, they fizzle out somewhere down the line.

If you have got the money and go there, you can get information. But whether it is any good or not, that is the big question.<sup>46</sup>

*Col. Vincent Donahue (Ret.), MIA Father*

MIA father Vincent Donahue, a retired Air Force colonel, expressed the firm conviction that some Americans were still alive in Laos, basing his belief on the statements of officials from various governments and the hope he had gained discussing survivability with a number of Americans in Laos.

Colonel Donahue quoted Secretary of State Henry A. Kissinger as stating, in February 1974, to the National League of Families Board of Directors: "There is a good possibility of Americans still being held alive in South Vietnam, Laos, and Cambodia."<sup>47</sup>

When questioned later about his sources, he cited a 1972 conversation with Soth Pethrasi, Pathet Lao delegate to the Lao tripartite government.

The third year, my wife prevailed upon me to take her with me, and during the course of our third meeting with him, Pethrasi became a little nostalgic. He reminisced a little bit, and he said he had lost a son at Dien Bien Phu, and knew how we felt.

And he said, "Yes, we have over 100 American MIA's." This was the chief delegate of the Pathet Lao in Vientiane talking. Today he is one of the ministers in the Pathet Lao Government. I don't know if it's transportation, education,

<sup>44</sup> *Ibid.*

<sup>45</sup> *Ibid.*, p. 183.

<sup>46</sup> *Ibid.*, p. 182.

<sup>47</sup> *Ibid.*, p. 82.

war, or agriculture but he is one of the ministers of the Pathet Lao Government in Vientiane now.<sup>48</sup>

In this regard according to the National League of Families Newsletter of February 26, 1974, Secretary Kissinger authorized the League to attribute to him the general statement that he was "generally very pessimistic" about the possibility of additional American prisoners being alive in North Vietnam. He feels there is a possibility—but a remote one—that Americans could be alive in Laos, Cambodia, or South Vietnam.

Donahue emphasized the possibilities for survival in Laos.

What I am saying, and what she [Judy Stover] said, and what Pop Buell told me, is that it's perfectly possible for Americans to be alive in such villages, to become part of the way of life of those villages. They are not prisoners, but they can't be allowed to leave, because by leaving they will surface the village which has been offering them shelter and succor over the years, and the village would be annihilated as a consequence.<sup>49</sup>

Col. Donahue submitted no further evidence to substantiate his belief, but he did provide the committee with sources he thought might prove informative and useful.<sup>50</sup>

#### VIETNAM

*Rear Admiral William P. Lawrence, North Vietnam POW.*

While serving on his second tour of duty in Vietnam as a Navy pilot, Rear Admiral William P. Lawrence was shot down over North Vietnam on June 28, 1967. For the next 6 years, he was a prisoner of the North Vietnamese, held in the prison camp known as the "Hanoi Hilton".

Admiral Lawrence testified on the effectiveness and completeness of the communications system among prisoners in North Vietnam.

From 1971 until our release in 1973, we had a very highly formalized memory bank system that we kept refining as the time went on. I feel that when we were released in 1973 we had as accurate a list of names as possible, we had as accurate a portrayal of the events that occurred during the POW history as possible. Although there were POW's who were maintained in North and South Vietnam with whom we had no communication, I think after our release, by comparing our information with their information in our debriefings and so forth, that the Government today has the most accurate information possible from the total POW community.

We basically had three categories of names. First, we had a list of those POW's who were known to be in the system at

<sup>48</sup> *Ibid.*, p. 90. Although he did not include it in his testimony, Col. Donahue informed the staff of his final conversation with Soth Pethrasi in 1973 at which time the Lao denied holding any Americans, averring that all [nine] had been released in "Operation Homecoming". See ch. IV, Communist Statements.

<sup>49</sup> *Ibid.*, p. 100. The staff subsequently contacted Ms. Stover, who stated that although she had been alert to the POW/MIA issue from her conversations with Colonel Donahue and others, and had tried to secure information, she never received any information or reports, nor did she see any evidence that the Pathet Lao held American prisoners.

Pop Buell was also contacted, but had no further information.  
<sup>50</sup> For the information these sources were able to provide, see p. 88 of this report.



the time of release. I think we had an accurate list of those men who were known to be POW's, but disappeared at some time during captivity and never were seen again.

I might comment on this category of people. The Vietnamese very carefully never let us see another POW die in captivity. They always pulled the man out from us before—and he never died in our presence.

In the third category of names, I feel we had a very accurate list of those men who had been seen on the ground prior to arrival in Hanoi or, say, immediately after shoot-down but then never appeared in the POW system.

In summary, we had accurate information on those three categories of people.<sup>51</sup>

Admiral Lawrence was questioned on whether he believed any Americans were still held captive in Vietnam.

\* \* \* Well, of course, this is an opinion based on my best educated analysis of the situation. I feel that the North Vietnamese released all of the American prisoners, because the list of names that we had coincided with the list of people who were released, died in captivity, et cetera.

I perceive that they had a very strong incentive to release all of the Americans in order to facilitate the peace agreement. They knew that in order to achieve a peace agreement and to obtain the approval of the Americans to withdraw from Vietnam, that they had to release the POW's. So it is my opinion that they did release all the Americans in Vietnam. I have seen no indication from the actions of the North Vietnamese that they still have any Americans still alive in North Vietnam.

I cannot speak any more authoritatively on Laos and Cambodia than anyone else in this room. My personal perception is that I have seen no indication on the part of the present governments in Laos or Cambodia that they hold Americans.<sup>52</sup>

*Ms. Anita Lauve, Expert on French POW/MIA Experience*

Another witness asked for her opinion on the possibility of Americans still held captive in Indochina was Ms. Anita Lauve. Ms. Lauve served in Vietnam as a foreign service officer, and, through her research established a reputation as one of the foremost experts on the French experience with POW's and MIA's following the French-Indochina war.

Ms. Lauve was asked several times about the possibility of Americans still being held captive in North Vietnam.

Ms. LAUVE. I don't think so. One reason I don't think so is that they know the reaction of the public here would be very strong. If anyone knew of it, everyone would soon know it, and they would lose all chance, I think, of getting any reconstruction funds or remuneration for the recovery of bodies. That is the reason I think they wouldn't do it.

<sup>51</sup> Select Committee Hearings, part 3, pp. 105-106.

<sup>52</sup> *Ibid.*

The CHAIRMAN. That they wouldn't be holding any alive, but they will try to bargain and trade for repatriation of the remains that they might have and know the location of?

Ms. LAUVE. Yes. But I do think that since they so often used various categories to describe prisoners—such as deserters, ralliers, or some other term—it might be fruitful if at some time instead of asking, “Do you hold any prisoners?”, you were to give them a facesaving device by adding these other categories. Make them come out and say categorically, “We don't have any deserters, or ralliers, or released before the cease-fire.” These were categories they used before with the French.

Then if they say, no they have none, I think you can be almost—if not absolutely—sure they have none.

\* \* \* \* \*

The CHAIRMAN. We tried to be as specific as we could during our discussions in Paris and Hanoi when we inquired about the possibility of any Americans being held alive. We went outside and we came back in and reworded our questions to try to get the answers as best we could. However, your suggestion of specific terminology might be well to pursue at our next meeting with them.

Even though we tried to pin them down as much as possible, we received no affirmative indication that any Americans are still alive.

Ms. LAUVE. I think that is probably true, I don't think there are any Americans alive in North Vietnam. As I said, I think that in their own self-interest, they wouldn't hold any.

\* \* \* \* \*

Mr. GILMAN. In response to the chairman, you stated that in your opinion there were no further Americans being held, yet how do you account for the North Vietnamese not acknowledging that they were holding French prisoners, legionnaires, and deserters, for a 14-year period and not making these statements?

Ms. LAUVE. They may have told the French that the 40 men returned in 1962 were ralliers, I am not quite sure but they probably did. If countries of missing foreign legionnaires or Africans made any inquiries, they probably told them the same thing.

They claimed that a rallier was a defector and therefore he didn't fall into the category of prisoner of war—just as they claimed that prisoners whom they had released in North Vietnam before the cease fire were not prisoners of war to be turned over under the terms of the Geneva agreement. Unfortunately, the agreement was so worded.<sup>53</sup>

<sup>53</sup> Select Committee Hearings, part 4, pp. 17–18 and 19–20.

Article 6 of the “Protocol on Prisoners and Detainees,” a protocol to the Paris Peace Agreement of 1973, was very carefully phrased precisely to prevent this kind of legalistic evasion. See chapter VI, “Diplomatic Efforts.”

However, to be certain all avenues of investigation were explored, Chairman G. V. Montgomery personally wrote to the Vietnamese Premier, Pham Van Dong, posing the specific questions suggested by Ms. Lauve. To date, no response has been given.

*Mr. Paul Struharik*

Two more recent returnees from Vietnam were decidedly negative about Americans still held captive in Vietnam. Mr. Paul Struharik and Mr. Jay Scarborough were captured in March 1975, when North Vietnamese troops overran the area of South Vietnam where they were working. Both were taken to North Vietnam and held captive until the time of their release on October 30, 1975. The select committee asked both gentlemen to testify and exhibited special interest in learning if they had gained any information on Americans still held captive.

In his testimony, Mr. Struharik stated:

\* \* \* At no time during our imprisonment did we see or meet other foreign or American prisoners. The Vietnamese Communists were in fact quite sensitive about this matter. Whenever the subject arose, they went to great lengths to explain their position, that they had in fact released all the prisoners at the time of the cease-fire agreement.<sup>54</sup>

Members of the select committee questioned Mr. Struharik repeatedly about any information he might have gathered:

The CHAIRMAN. Why did they mention that they were holding no more Americans? Did you and others of the American group ask about the missing in action?

Mr. STRUHARIK. Yes. This would come up usually in relationship to our own circumstances, that is, well, "The war has been over for months now. You let the pilots go after 2 months. What are we doing here?" This would lead on to a discussion of "You will be released sometime just as we released the other prisoners, even the pilots who came to bomb North Vietnam." That is the way that subject usually arose. They never brought the subject up themselves. It was usually in response to something we asked.<sup>55</sup>

\* \* \* \* \*

Mr. GILMAN. \* \* \* In all your time in Southeast Asia, at any time did you receive any reports of any American prisoners that were still alive?

Mr. STRUHARIK. Do you mean during my imprisonment, or in the 6 years that I was there?

Mr. GILMAN. During the 6-year period.

Mr. STRUHARIK. Well, back in 1968, after the Tet offensive when there were Americans captured in Ban Me Thuot, we heard reports or rumors, if you will, that the Americans were being moved from here to here. These are people that have all been accounted for now, either released or died in captivity. Primarily, I am talking about Mike Bengé, Hank Blood, and Betty Olson, who were captured in 1968. Other than that, I don't recall any substantive reports at all that there were Americans being held in this area or that area.<sup>56</sup>

<sup>54</sup> Select Committee Hearings, part 2, p. 27.

<sup>55</sup> *Ibid.*, p. 28. See also p. 31.

<sup>56</sup> *Ibid.*, p. 34. Mr. Bengé was repatriated from Hanoi in 1973 and reported that he had been present when Blood and Olson died on the trail en route to North Vietnam.

*Mr. Jay Scarborough*

Mr. Jay Scarborough responded to questions about information on POW's and other missing Americans in similar fashion.

Mr. GILMAN. While you were in Vietnam did you receive information as to captives other than the POW's who were returned in the 1970's, whether they be civilian, military personnel, journalists, or missionaries? Did you receive any reports as to any captives?

Mr. SCARBOROUGH. No; not any living captives. All we heard about the MIA's was what we heard on Radio Hanoi. Radio Hanoi was saying they were ready to discuss the matter with the United States.<sup>57</sup>

*Mr. Richard Mielke*

Mr. Richard "Mike" Mielke, retired Army non-commissioned officer (E-7) and the Saigon representative for the POW/MIA organization Voices in Vital America (VIVA) from 1973-76, was among the last group of Americans to leave Saigon on August 1, 1976.

Mr. Mielke had several reports on Americans held in Indochina to relate to the select committee. He reported that on several occasions after the North Vietnamese took Saigon on April 30, 1975, his Vietnamese wife had overheard conversations in Saigon between North and South Vietnamese women. These overheard conversations occurred in informal situations around the city—at the zoo, in a store, at the marketplace. Piecing together these fragmentary conversations, Mr. Mielke got the picture of an American community of some 200 men in North Vietnam.

I was more or less the Honda guard while my wife did the shopping, and this was in the early days after the revolution when an American stood out like a sore thumb in the area that I lived in, and my wife overheard on a number of occasions from North Vietnamese women who had come down to begin a new life with family members they had not been with since 1954, and the conversation overheard by my wife was, "That's an American, we thought all the Americans were up North."

\* \* \* They also related to one another that there was an American community in North Vietnam, very near the Chinese border, with approximately 200 Americans, males, some had families, and they were not creating any problems for the locals in the area.

They were all farmers, and to supplement their income some were basket-weaving, some were making sandals out of our abandoned Firestone, Goodyear and Silvertown tires, and they seemed to be quite content.

So, I have no reason to disbelieve these stories. They did not tell my wife this directly, it was directed by conversation and observing me.<sup>58</sup>

<sup>57</sup> *Ibid.*, p. 52. See also pp. 53-4.

<sup>58</sup> Select Committee Hearings, part 5. Mr. Mielke expressed great skepticism about the reliability of this information. In an interview he stated that he refused debriefing when he arrived in Bangkok from Saigon, saying he "had nothing hot". Further, he stated he would not have believed these stories if they had not been told him by his wife.

In a separate interview with the staff, Mrs. Mielke said she overheard conversations similar to this: (North Vietnamese to South Vietnamese woman) "You must oppose the



On the basis of his past experience, Mr. Mielke speculated on the composition of this group.

Other reports he heard concerned sightings of a group of Americans in the Sam Neua area of Laos and several reports on two journalists missing in Cambodia. Another report he considered highly reliable concerned the sighting of a number of Americans in Chau Doc Province of South Vietnam in December 1973.<sup>59</sup> According to Mr. Mielke, he had forwarded these reports to American intelligence agencies as early as December 1973.<sup>60</sup>

Mr. Mielke also noted that on three occasions, his wife had seen a Saigon television film featuring a man alleged to be American.

It could very well be a Frenchman; they said American.  
He could very well be a Bulgarian in the area. They expounded on an American, Army, United States Army.<sup>61</sup>

The individual did not speak, but the Vietnamese narrative told how he had come to Vietnam, seen what the imperialist American government was doing, and joined the National Liberation Front.<sup>62</sup>

Finally, in his capacity as VIVA representative, Mr. Mielke and his wife had conducted interviews with Vietnamese and Cambodian repatriates and escapees, for any knowledge they had of U.S. or foreign personnel. From these interviews, the Mielkes gleaned no information on missing Americans, grave sites, or crash sites.<sup>63</sup>

#### SUMMARY

In its hearings, the select committee, by its selection of witnesses and the questions posed, investigated as thoroughly as practicable on a public level the possibility that Americans were still alive in Indochina. Over 20 witnesses with varying credentials were questioned thoroughly and in detail on that possibility.

The most obvious observation to be made on this testimony is that the witnesses disagreed on whether Americans were still alive. In this respect, the testimony probably represented on a small scale a cross-section of American public opinion. The number of witnesses who expressed a belief either way is far less significant, however, than the evidence witnesses offered in support of their belief. Unanimity of opinion that a number of Americans were still alive would still not make it true.

The salient observation to be made is that those who believed Americans were still held captive in Indochina could produce no evidence to substantiate their belief. They based their case on "gut feelings", statements made years ago by officials of various governments, and public documents that some Americans were known to have been alive at one

Americans." SV woman: "You don't even know what an American looks like." NV woman: "Oh, yes I do. There are hundreds of Americans in North Vietnam." Mrs. Mielke said that, conversations between North Vietnamese women and South Vietnamese women were fairly common, and that the South Vietnamese women were often poking fun at their less sophisticated Northern sisters. South Vietnamese jokes regarding North Vietnamese in Saigon were further described by Kerry Huebeck who departed Saigon August 1, 1976, and who also called Saigon the rumor capital of the world. See Select Committee Hearings.

<sup>59</sup> For the Chau Doc reports, see ch. V of this report.

<sup>60</sup> Select Committee Hearings.

<sup>61</sup> *Ibid.*

<sup>62</sup> In an attempt to identify this individual, Mrs. Mielke closely studied hundreds of photographs. See Select Committee Hearings Part 5.

<sup>63</sup> *Ibid.*

time in the countries of Indochina. Even the most authoritative witnesses, with access to the most recent intelligence reports from Indochina, could offer no confirmed or confirmable evidence that a single American was still held captive in Indochina.

On the other hand, it should be noted that even these same two authoritative, knowledgeable witnesses, General Walters and Dr. Roger Shields, refused to state with finality that every single American in Indochina is dead.

The results of the public testimony of Americans still alive and held captive in Indochina were, therefore, inconclusive to some extent. If the select committee trusted only in the assessment of the intelligence community, it could still only say that there was no evidence to support the belief that some Americans were still held captive in Indochina. Like the intelligence community, the select committee could not say with finality that every single missing American is dead.

The cumulative effect of this testimony was to erode the belief that large numbers of the 1,400 who had been MIA and POW are now alive in Indochina. The public testimony reduced the zone of credibility: if any Americans were still alive, they were very few in number. After the public testimony, there was left only a small hope that a very small number of Americans might be still alive. Further, independent investigations to supplement public testimony were clearly necessary and in fact were being conducted at the same time.

The conflicting convictions of witnesses further emphasized the need for evidence. One could not simply pick and choose among witnesses' convictions, especially in light of the intelligence community's inability to provide confirmed evidence and the growing body of evidence that numerous reports on Americans still held captive were only rumors, often the work of opportunists. It was the firm conviction of the select committee that MIA families and the American public had been misled too long and too often by charlatans, opportunists, intelligence fabricators, and publicity mongers, who preyed on the hopes and sorrows of patriotic citizens.

The public hearings focussing on Americans still possibly held captive in Indochina were important in several other respects. They clarified the difference between hopes that men were still alive and evidence that they had been alive at one time, years ago in most cases. In this respect, they drew attention to the need for an accounting and helped the committee pinpoint cases where the former enemy must know something about the missing American. They drew attention to the POW cases and the need to study them carefully, to determine if those still listed as POW by the Department of Defense had ever been known to be alive in enemy hands.

Finally, the public testimony stimulated other avenues of investigation, such as the incidence of injury in ejection from aircraft, the likelihood of survival in hostile circumstances, and a careful review of the process of classification.

## CHAPTER IV.—COMMITTEE ANALYSES

During the course of its inquiry, the committee analyzed certain problems directly associated with the POW/MIA issue. Many of the findings appear in the text of these chapters where appropriate, but four of the subjects require special attention.

*First*, those Americans who did not return from Indochina had been subjected to incredible difficulties in combat. If they were not killed or mortally wounded outright, they still faced the trauma of surviving terrible isolation in a dangerous environment or among a hostile populace. Either circumstance weighed heavily in the chances for survival.

*Second*, public statements of Communist leaders are often cited as the basis for arguments that Americans are still held as POW's. It was imperative, therefore, that those statements be studied carefully with an eye toward assessing their reliability or purpose.

*Third*, one of the most misunderstood and controversial aspects of the POW/MIA situation has been the amount, kind, and validity of information contained in the case files of the missing men. The committee found it necessary to review a significant number of cases, both individually and collectively. In particular, all of the POW cases and a significant number and cross-section of other cases were reviewed in depth.

*Fourth*, in order to maintain proper perspective, it was determined that the fighting in Indochina could not be viewed in a vacuum, but that a comparison with other hostilities was needed. Only by studying that war in light of other relevant hostilities can the current problems be evaluated fairly.

This chapter, then, sets forth the committee's principal analyses as they relate to the foregoing topics.

### DIFFICULTIES OF SURVIVAL

Besides statements on survivability expressed in open testimony and as part of committee investigations, a separate analysis of the difficulties of survival for missing airmen is in order. Eighty-one percent of Americans missing in Southeast Asia are airmen. The circumstances of their loss, as well as the survival experiences of those airmen who did return home alive, show that very few, if any, missing airmen may reasonably be expected to have survived.

There is a strong indication that over three-fourths of the missing airmen went down with their aircraft.<sup>1</sup> Given the lack of emergency

<sup>1</sup> According to an exhaustive JCRC study prepared for the Select Committee, only 179 missing airmen are known to have ejected in all of Indochina. Even allowing for a large number of unknown ejections, the proportion of parachute ejections remains very low. Most of the documentation for material contained in this section was prepared by Bio-Technology, Inc. for the Office of Naval Research. These include "A Review of Problems Encountered in the Recovery of Navy Aircrewmen Under Combat Conditions", "Aircraft Escape and Survival Experience of Navy Prisoners of War", "The Biomedical Aspects of Combat Aircraft Escape and Survival for Navy Prisoners of War", and "Biomedical Aspects of Aircraft Escape and Survival Under Combat Conditions".

Much of the material was also presented by the Life Sciences Division, Directorate of Continued



landing sites in operational areas, the fact that most of these aircraft had been struck by enemy fire and the fact that most of these aircraft were carrying explosive ordnance and fuel, it is reasonable to expect that few, if any, of these men survived. In cases of engine failure, as opposed to enemy fire, pilots would have tended to ride the aircraft down if terrain permitted, whereas ejection was the logical choice over harsh terrain such as triple canopy or karst. In either case, the choice was not pleasant and the results could be disastrous.

Of those who were able to bail out, research indicates a high probability of a major injury as a result of aircraft ejection.

400 knots indicated air speed: The initial forces were extremely violent as if I had hit a brick wall. I thought I would never stop tumbling. The opening chute shock was extremely violent and for a brief moment I did not know where I was. I finally figured out that my helmet had rotated 90 degrees down (forward) and that I was looking inside my helmet at the pad that normally sits on top of one's head. My O2 mask was jamming my neck in a choking manner but was still attached to my helmet. I had severe pain in my right hip and lower right back. My MK3C flotation gear was hanging out of its covering.<sup>2</sup>

At higher speeds the danger was compounded. A comprehensive Navy study indicated that 83 percent of their returned airmen who exited at 550 knots or over sustained a major injury.<sup>3</sup>

Research further indicates that returned Navy POW's sustained a 38 percent major injury rate.<sup>4</sup> A major injury, according to their studies, is "any injury requiring 5 days or more hospitalization and/or 'sick in quarters'."<sup>5</sup> Given the general lack of adequate hospital care in the combat area, it is a credit to American flyers that as many survived these injuries as did. It must be pointed out, however, that the high incidence of major injury among returned airmen does not speak well for the chances of those who did not return. An Air Force study of life support equipment addresses this subject as follows:

It is important to remember that these reports come only from survivors. We know little or nothing of those who received fatal injuries during their ejection/bailout attempts. Also, it seems unlikely that many of those who incurred really severe ejection injuries were able to withstand the rigors of capture and confinement. We have no information on these individuals either.<sup>6</sup>

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Continued

Aerospace Safety, Air Force Inspection and Safety Center, Norton Air Force Base, California. These include "Southeast Asia Escape, Evasion, and Recovery Experiences—January 1963–December 31, 1971", "In Flight Experiences of Southeast Asia Prisoners of War Returnees", "Ejection Injuries in Southeast Asia Prisoners of War Returnees", and "Use of Life Support Equipment by Aircrews Captured in Southeast Asia".

These studies have been reproduced in parts 2 and 3 of the Select Committee Hearings and will be footnoted simply as "BioTech Report" or "Life Sciences Report", as appropriate.

<sup>2</sup> BioTech Report.

<sup>3</sup> *Ibid.*

<sup>4</sup> *Ibid.*

<sup>5</sup> *Ibid.*

<sup>6</sup> Life Sciences Report.



Descent also posed problems to many airmen. Unconsciousness was particularly troublesome. A biomedical report of Navy airmen indicates that 9 percent of the recovered group and 16 percent of the POW group reported being unconscious or dazed upon egression from the aircraft. "Fortunately," the report continues, "most of these individuals came down over land or regained consciousness prior to landing in the water. There are no statistics indicating how many did not regain consciousness or had major injuries to both upper extremities, landed in the water, and drowned because of inability to inflate life preservers or clear themselves from parachute entanglements."<sup>7</sup>

Lack of vision was similarly a problem for some airmen, one of whom describes his experience as follows:

550 KIAS (knots indicated air speed) ejection was via face curtain. Upon ejection, feeling was much like jumping out of a car, at speed, into a wall. Initial bewilderment and loss of vision were first reactions along with considerable pain on right side. First two minutes or so were spent hyperventilating in an attempt to regain vision.<sup>8</sup>

Another problem of descent was the fact that many parachutists received ground fire. The same batteries which downed the aircraft, plus additional enemy units in the area of descent, made this a dangerous event. As reported in one Air Force Study, "It was not unusual to take a few rounds from enemy forces in the area. \* \* \*"<sup>9</sup>

The problems of surviving parachute landings presented another problem. Besides the frequent leg injuries sustained in landings, over 30 percent of returned Air Force POW's landed in trees.<sup>10</sup> 40 percent of Air Force injuries were sustained upon landing.<sup>11</sup> These are highly significant figures, for the majority of MIA airmen are Air Force.<sup>12</sup>

A separate analysis of evaders recovered by the U.S. Air Force indicates that slightly over one-half of those parachuting over land came down in heavily wooded areas, and that in 46 percent of these cases the survivor became hung-up in a tree, some suspended as much as 200 feet in the air. The problem of climbing down from such a predicament would undoubtedly be complicated by injuries received in exiting the aircraft. In addition, getting hung up posed many problems such as loss of circulation, loss of mobility in the extremities, and further injury during attempts to reach the ground.<sup>13</sup>

Still another factor enhancing the danger to parachuting airmen is the fact that an estimated 15 percent lost their headgear during ejection.<sup>14</sup> As any parachutist knows, it is vitally important to protect the head during landing.

The probability of suffering some sort of injury at each point described above, compounds the difficulties of surviving either escape and evasion or capture and prison. In particular, injuries involving cuts in the skin spelled great danger to the individual American seeking rescue or evasion. Serious infections quickly followed when open

<sup>7</sup> BioTech Report.

<sup>8</sup> *Ibid.*

<sup>9</sup> Life Sciences Report.

<sup>10</sup> *Ibid.*

<sup>11</sup> *Ibid.*

<sup>12</sup> *Ibid.*

<sup>13</sup> *Ibid.*

<sup>14</sup> *Ibid.*

wounds went unattended, and, except in the Hanoi area, the likelihood of receiving any medical care was remote.

The record of American servicemen's ability to escape and evade to freedom in Indochina is not particularly encouraging. From 1961 to 1973 only two Americans in Laos ever escaped successfully and evaded to freedom. In South Vietnam during the same period, there were 27 such successes but there were none from North Vietnam or Cambodia. The record of rescued or returned POW's also indicates the inability of American servicemen to evade for long. About 90 percent of Navy POW's were captured within an hour of shootdown.<sup>15</sup> Air Force data indicates that 65 percent of their POW's were captured within 2 hours.<sup>16</sup> Of 209 reporting Air Force returnees, only six avoided the enemy for more than 3 days. "One, who was captured immediately, escaped and evaded for 2 weeks before being shot and recaptured."<sup>17</sup> Recoveries were likewise very quick. Through February of 1973 the Air Force reported a total of 2,541 combat rescues.<sup>18</sup> Indications are that three-fourths of these occurred within 6 hours of the incident. In summary, there is very little evidence of Americans surviving for any length of time once having been shot down.

Survival was complicated by thirst, which was reported to be a common phenomenon among survivors.<sup>19</sup>

Nearly all who were forced to leave their aircraft in Southeast Asia expressed a profound need for water.

The need for adequate water cannot be overemphasized.

All aircrews should carry water.

If thirst was so prevalent among rescued airmen and returned POW's who were evading for short periods of time, how much more it must have plagued any serviceman trying to reach freedom. Dieter Dengler, one of the very few ever to escape and evade to freedom, cited thirst as causing him to pass out, and later, in seeking water, to be captured and hung upside down from a tree.<sup>20</sup> Ernie Brace recalled a similar experience:

I ran out of water, my tongue and lips were swollen to the point I couldn't eat any more pomelo and I made the decision to strike out to the south and try to find more food and water. I was recaptured near a village that night while attempting to steal some food.

I was taken to another camp, where I saw no other prisoners. They held me until the unit I had escaped from came to claim me near morning. A severe beating followed my return. Stocks were placed at the foot of my new bed board and an iron hoop was fitted around my neck, which would be pinned to the bed board. Food was reduced to minimal and I was kept in the pinned down position about 2 weeks. When I did urinate there was globules of fat and blood in my urine. I could

<sup>15</sup> BioTech Report.

<sup>16</sup> Life Sciences Report.

<sup>17</sup> *Ibid.*

<sup>18</sup> *Ibid.*

<sup>19</sup> *Ibid.*

<sup>20</sup> Dieter Dengler, "I Escaped From a Red Prison", *The Saturday Evening Post*, December 3, 1966.

not walk when a new officer came to interrogate me about my escape.<sup>21</sup>

An incident in Dengler's story poses still another danger encountered in evading—the strong possibility of being killed while trying to avoid detection by hostile natives or soldiers during the movement to freedom.

Suddenly a black-haired guy in a loincloth started running toward us. He carried a long machete—curved at the end. "Amerikali, Amerikali," he yelled. We nodded our heads and mumbled, "Sentai, Sentai" ("hello, hello"). But the man kept running, I jerked back and tried to stand up.

His knife was already moving through the air, thuk, thuk. The first blow hit Duane on the leg the second cut into his shoulder just below the neck. He screamed, and I threw up my hands as if to say "No." I knew Duane was dead, but I couldn't grasp it; I just stood there with my mouth wide open. Then he swung at me. The tip of his knife missed my throat by half an inch. I don't know where I got the strength, because I moved man, I really moved. I turned around and hit the bush and ran up a gully, and my legs didn't even hurt anymore.<sup>22</sup>

Howard Rutledge, an airman downed over North Vietnam, recounts a similar experience in his book *In the Presence of Mine Enemies*. Upon landing, he was attacked first by a man waving a machete and then by a crowd which showered him with blows to his head and shoulders from their bamboo clubs.<sup>23</sup>

These are but a small sample of the type of critical danger faced by a downed airman. It cannot be overemphasized that it was a hostile environment, and that the airman faced extreme danger from hostile forces and population who viewed him as their enemy.

Even if captured, however, the danger to the serviceman's life remained acute. The record of Vietnamese Communist authorities indicates that 10 percent of those they held died in captivity.<sup>24</sup> In addition, it is not known how many more died of wounds or mistreatment prior to entering the DRV "system."

A Navy survival study suggests many died of wounds and lack of treatment.

Q. One of the big questions that came up with the release was the fact that there was not a single amputee among the returnees. Based upon your professional experience, how do you explain that?

A. I haven't yet seen a list of those who didn't come back and why they didn't come back, medically. One has to have a feeling that those, particularly in the southern camps, who were so sick that they might lose a limb simply failed to keep up with the Viet Cong in their moves and they are not here.

<sup>21</sup> Select Committee Hearings, part 3, pp. 168ff.

<sup>22</sup> Dengler, *loc. cit.*

<sup>23</sup> Howard Rutledge, *In the Presence of Mine Enemies 1965-1973* (Pyramid Pub., New Jersey, 1975), pp. 13-21.

<sup>24</sup> Not only were there 64 Americans on DRV and PRG "Died in Captivity" list, but there are several additional prisoners suspected of having died in their hands.

That is an impression, not a fact derived from any of these figures. This would be one of the explanations for their not being here. What we're seeing here are survivors. We don't see those who didn't live. We know from what the prisoners of war have told us that there were many who did not survive.<sup>25</sup>

Commander Coker also answered this question :

Why are there no amputees? There's no way in hell an amputee could live. No way. To do it would take an absolute miracle. Not because of loss of blood; not because they didn't get medical attention; they could do everything in the world for him, and nearly everything else in the world being equal, he would live, but infection is going to kill him. I would not even look for an amputee.<sup>26</sup>

Dr. Henry J. Kenny, select committee professional staff member, while serving with native forces in Indochina, witnessed a man die from a traumatic amputation almost identical to one he later received while serving with American forces—due to the impossibility of providing immediate and sufficient medical attention in the remote jungle areas of South Vietnam.

The problem of survival in captivity is compounded by inadequate medical or nutritional care. Drinking water, especially outside Hanoi, was likely to be impure. River fluke, malaria, and other diseases are common in Indochina. In Laos, life expectancy is only 35 years.<sup>27</sup>

Torture, such as that described here by Dengler, presented still further dangers to survival:

They put a rope around my legs and tied my hands behind my back—so tight that after a while my hands were completely numb. Then they hung me upside down from a tree. They kicked me in the face and whipped me until I passed out. When I came to, I was lying on the ground. One of the guards hung me upside down again and shoved a large ant hive in my face. Thousands of little black ants started biting my nose and eyes and mouth. I think I screamed for almost a minute before I passed out again.<sup>28</sup>

Insanity was another threat to life:

A lot of guys were driven insane. And there's reason to be driven insane. It was a helluva battle for all of us not to go insane. Some guys did not quite make it—they're not totally insane in the sense of a straitjacket, although we had at least two cases of that—but they are so bad that the mind started doing funny things. They may kill themselves. They may stop eating. They just might go off in some oblivious world and just not care about anything. Not take care of their hygiene. Then if the guy loses a lot of weight and gets sick and dies, then you can say he died from natural causes. Well, if that's your opinion, you go ahead and have it. As far as I am con-

<sup>25</sup> BioTech Report.

<sup>26</sup> Select Committee Hearings, part 2, pp. 103.

<sup>27</sup> Area Handbook for Laos, p. 32.

<sup>28</sup> Dengler, *op cit*.



cerned, the North Vietnamese killed him because of what they did to his mind. They put him in that position. Well, we lost a few guys—this is a handful—5, 10—I'm not being real specific, but it's a small number. There's only going to be maybe 3, 4, 5 percent that died this way all told, so we lost a few there.<sup>29</sup>

Finally, attempts to escape could easily result in death. For example, Ray Schrump told of a man shot and killed on an escape attempt. Ernie Brace recounted his personal experience in escaping:

I attempted to escape from the stocks on a windy night. Although I got out of the stocks and out of the cage I was recaptured before I could get clear of the camp. Punishment was 7 days in a hole, buried up to my neck in dirt. I went out of my mind for about 3 weeks after being taken out of the hole. From this day on I spent 24 hours a day in stocks with my neck tied to a post in a sitting position by day, and tied down to the bed by night.

In September 1967, I was caught at night with my ropes loose. I wasn't trying to escape, my feet were still in the stocks. I was beaten, taking a severe kick to the head. A week later I developed a semiparalysis which gradually crept through all my extremities. I then lost bowel control. Since I could not walk and I smelled so bad they would not take me down to the stream for a bath. I went from September 1967 to March 1968 without a bath or haircut.<sup>30</sup>

The experiences of rescued airmen and returned POW's does little to contribute to the belief that many airmen now missing in Southeast Asia could have survived. Indeed, the record indicates that possibility as very slight. Death could readily occur at any point in a scenario: from the initial enemy fire on the aircraft, as a result of secondary explosions or fires within the aircraft, or during ejection, descent, or landing. If an airman survived these hazards but was injured, the possibility of surviving capture or imprisonment was markedly decreased. In addition, the odds for survival dropped as the distance from Hanoi increased. Again it must be emphasized that the data herein presented is based upon those who did return. This is not to deny the possibility of survival for those who did not return, but only to point out that the evidence does not encourage belief in this possibility.

<sup>29</sup> Coker, *op cit.*

<sup>30</sup> Brace, *op cit.*

## COMMUNIST STATEMENTS ON POW's

Early in its tenure, the select committee perceived that several MIA next-of-kin believed or hoped their missing member was alive because of statements made by Communist officials. Those statements were designed to create the impression that information concerning the missing could be made available if only the American Government would conform to certain political, military, or economic conditions. Cleverly included in many of the responses was the intimation that the MIA could be alive.

The select committee, therefore, undertook an analysis of Communist statements regarding American POW's and MIA's. Reports of MIA family member discussions with Indochinese Communist officials were examined, as were the statements of these individuals to American officials and to the media.

This investigation reveals that Communist statements regarding Americans missing in Southeast Asia have varied considerably over the war and post-war years, but have always served the political objectives of their spokesmen. The result has been a perceived ambiguity on the part of the families of our missing men, frustrating their efforts to resolve the question of whether their missing relative was alive.

It is clear that Communist statements cannot, by themselves, be considered valid sources of information regarding the status of missing Americans. In conjunction with further information, such as detailed information pertaining to an individual and his crash, these reports can, and have, indicated the status of a missing man. The self-serving propagandistic nature of these reports, however, militates against accepting them as valid evidence without further information. A review of Foreign Broadcast Information Service (FBIS) reports of Communist radio broadcasts and news releases, illustrates this point.

During the war, Communist broadcasts and the news media repeatedly referred to the downing of U.S. aircraft and the capture of the pilots. Some of these reports were accurate; many were not. During the war in Southeast Asia, North Vietnam claimed to have downed 4,181 aircraft, whereas U.S. records show only 1,108 were ever lost over the North. The Pathet Lao claimed 2,505 U.S. aircraft downed over Laos, while actual U.S. losses totaled 601. Similar exaggerations were made by the Khmer Rouge and the PRG.<sup>1</sup>

In December 1969, Col. Gen. Van Tien Dung, Chief of Staff of the North Vietnamese Army, claimed the United States had lost 20,000 planes in the Vietnam War.<sup>2</sup> North Vietnamese claim to have downed 32 B-52 bombers as of December 20, 1972, at a time when the United

<sup>1</sup> Foreign Broadcast Information Service, June 26, 1976, p. 15 for Laos, and Jan. 17, 1973, for North Vietnam. DOD report to the select committee for U.S. losses.

<sup>2</sup> Under the Party Banner, Vietnam's Military Act has constantly developed and triumphed, in Vietnam Documents and Research Notes, No. 71, p. 2.

States listed four B-52's lost as a result of the war in the North.<sup>3</sup> These claims are cited to show the nature of much of the information emanating from Communist broadcasts and news media, especially during the war.

Col. Soth Pethrasi, Pathet Lao spokesman in Vientiane, on September 13, 1968, stated:

Our forces have already shot down more than 800 of these [American] aircraft. They have captured several dozen American airmen.<sup>4</sup>

In actuality, by that date, U.S. records show that 101 American aircraft had been downed in Laos since January 1, 1961.<sup>5</sup> This is only one-eighth of those claimed by Pethrasi. If a similar ratio were applied to "four dozen allegedly captured American airmen", theoretically, it would mean that during this time, only six Americans had been captured in Laos.

Similar claims reached Western newsmen and family members later in the war. One frequently cited source of such claims was Australian journalist John Everingham.<sup>6</sup> Mr. Everingham was captured and held in Laos for 29 days. Pathet Lao troops detaining him said that they held as many as 200 American prisoners. Everingham, however, was not an eyewitness to any American prisoners. In correspondence with the Select Committee, he stated:

I was told different things by different soldiers and it was obvious that some of them were most interested in impressing me. For example, one mentioned 200, yet I did not believe it at all. \* \* \* I believe beyond a shadow of doubt that there are no remaining POW Americans still alive in the country.<sup>7</sup>

Exaggerations for domestic support of the war and propagandistic efforts to dissuade the United States from continued bombing motivated North Vietnamese broadcasts claiming that they had shot down numerous "air bandits" and "captured their pilots".<sup>8</sup> Such broadcasts, unless substantiated by U.S. records, cannot be viewed as evidence that the man was captured alive or dead. Without corroborating evidence, the accuracy of such reports is subject to grave doubts. For example, the names of four American servicemen were broadcast over radio Hanoi on November 21, 1967, indicating that they were "captured in Haiphong".<sup>9</sup> A radiophoto monitored in Warsaw, showing the Armed Forces ID cards of these men, establishes beyond a doubt that North Vietnam can account for these men.

It does not, however, establish that these men were captured alive.<sup>10</sup>

<sup>3</sup> This and many other examples may be seen in the Foreign Broadcast Information Service, "Trends in Communist Projection", declassified copy of which is in the Committee files. Unfortunately, 11 more B-52's were lost during December.

<sup>4</sup> AFP Paris, in English from Vientiane, Sept. 13, 1968.

<sup>5</sup> Information from Select Committee records.

<sup>6</sup> Letter from John Everingham to select committee.

<sup>7</sup> Letter to John D. Burke, staff assistant to the select committee, dated May 27, 1976.

<sup>8</sup> Conclusion based on a review of over 100 FBIS reports available in the committee records.

<sup>9</sup> Vietnam News Agency, Hanoi, No. 716.

<sup>10</sup> This incident involved two Navy F-4 aircraft. The pilot of one, and the radar intercept officer of the other, were captured alive and released in Operation Homecoming. The other pilot and radar intercept officer were never seen by other Americans after the shootdown, they never entered the Communist POW camp system, and no further credible information has been received concerning them. During hostilities, information from sensitive sources, later found to be erroneous, indicated both missing men, Estes and Teague, were prisoners of the North Vietnamese.

It must be borne in mind that this was the same period in which Gen. Vo Nguyen Giap was publicly bragging that 2,300 fighter aircraft of the U.S. imperialists have been shot down and thousands of U.S. pilots have been annihilated or captured in the North.<sup>11</sup> The number of downed aircraft claimed by Giap was five times the actual at the time.<sup>12</sup> The North Vietnamese later denied that the two men, Navy Lieutenants junior grade Estes and Teague, had ever been captured in North Vietnam.<sup>13</sup>

A second source of information, and one equally frustrating to the families of missing Americans, centers on statements made by Communist officials to visiting families. These statements typically listed a multitude of political, economic, or administrative conditions which the Government of the United States would have to fulfill before the Vietnamese or Lao would provide information on prisoners of war and missing in action. In November 1969, for example, Col. Soth Pethrasi responded to appeals of MIA wives by stating:

There can be no letters and no information until the Americans unconditionally cease this special war.<sup>14</sup>

In 1972, Prince Souphanouvong of the Pathet Lao was quoted as saying that U.S. prisoners will be released if the United States stops the bombing.<sup>15</sup>

After the early 1973 release in Hanoi of nine American prisoners who had been captured in Laos, Pathet Lao officials continued to stipulate conditions for the provision of MIA information. In May 1973, Col. Pethrasi told National League Counsel Charles Havens that he could tell him nothing new "because there are no more American prisoners in Laos, and the accounting of the missing must await the formation of the coalition government".<sup>16</sup> In October 1973, Col. Pethrasi told three League of Families' representatives that 60 days after the signing of a coalition government information would be available.<sup>17</sup> A followup by the U.S. Embassy in Vientiane further revealed that Soth Pethrasi was linking MIA information to formation of the Pathet Lao-Royal Lao Joint Commission to Implement the Agreement (JCIA).

Soth replied that since JCIA had not yet been formed, no information could be passed. Once JCIA began meeting formally, it would begin deliberating timetable for implementation of various provisions of the Protocol, including Article 18(c). But priorities had to be established. First priority to LPF was neutralization of Vientiane and Luang Prabang, second was formation of coalition government and

<sup>11</sup> Vo Nguyen Giap, DRV Defense Minister, "The Big Victory: The Great Task", in FBIS Daily Report (Asia and Pacific), Oct. 16, 1967, p. 6. Figures were cited as of Sept. 14, 1967.

<sup>12</sup> There were only 496 aircraft downed over North Vietnam at the time cited.

<sup>13</sup> The North Vietnamese provided Prime Minister Palme of Sweden with a list of 210 Americans lost in North Vietnam. The list included an entry for LTJG Estes, stating in French, "N'a jamais été capturé au Nord V.N." (Never was captured in North Vietnam.) Also in late 1970, the North Vietnamese gave Cora Weiss a list of 112 Americans lost in Southeast Asia, which indicated that LTJG Teague never was captured in North Vietnam.

<sup>14</sup> Quote by Arnold Abrams, in the Far East Economic Review, Nov. 20, 1969.

<sup>15</sup> See League #47.

<sup>16</sup> Charles V. Havens III, Memorandum to the Board of Directors, National League of Families, May 18, 1973.

<sup>17</sup> Pethrasi statement to Mr. George Brooks, Mrs. Barbara Lewis, and Mrs. Helen Sadlen, Oct. 19, 1973, as noted in State message of Oct. 30, 1973.



joint national political council. Embassy officer objected that obviously first priority intended in Protocol was exchange of information on POW's and DIC's. Timeframe for that process was explicitly linked to finite date of signature of Protocol, not unknown date of formation of government. Soth replied that process of exchange of such information would begin after JCIA began meeting formally, and would not await formation of government. However, this question would have to follow other more urgent matters on JCIA Agenda.<sup>18</sup>

As late as April 1975, Col. Phao Boumiphal, Pathet Lao representative on the MIA Subcommittee of the Joint Committee to Implement the Agreement, told four League members certain priorities needed to take place before an accounting for American missing could be considered. He specifically referred to the establishment of a demarcation line between Pathet Lao and Royal Lao forces and to the resettlement of refugees in local areas, including their planting of crops.<sup>19</sup>

The major conclusion one must draw from all these statements is that they promised much but provided little. Conditions stipulated during the war in Laos, such as the cessation of the bombing and the "special war", were followed by additional conditions after the war. Throughout hostilities, the Pathet Lao created the impression that information on MIA's and POW's was available, but that it would be produced only when conditions stipulated by the Pathet Lao had been met. Unfortunately, much the Pathet Lao stated regarding live prisoners during the war must be interpreted in this light. Stated and implied references to large numbers of prisoners during the war were vehemently denied after the war. In April 1973, for example, Soth Pethrasi was asked, "Is it possible that there may be more prisoners in remote areas about which you previously knew nothing?" Col Pethrasi replied:

It is not possible. First of all, we do not recognize your list. All who were captured have been released. They came to massacre us and we had to defend ourselves. If they reached the ground alive, they could still die without ever being found. But if they were captured, they were released. If they wanted to stay alive, they should have stayed in the United States.<sup>20</sup>

Hope did not die with these statements. In June 1973, Col. Vincent Donahue and Mrs. Barbara Smith visited Laos and spoke personally with Col. Pethrasi asking:

In January 1971, you told Col. and Mrs. Donahue when they came to see you at that time that you had many American prisoners—that they were a burden because they had to be fed and guarded. Do you remember that meeting?

Col. Pethrasi replied:

I do not recall exactly what I've told Col. Donahue about the POW's. However, it is quite possible that I may have told

<sup>18</sup> Excerpts from Embassy cables.

<sup>19</sup> Patti Sheridan, Ann O'Connor, Sue Cook, and Carol Bates, "Report of Trip to Laos", Mar. 24-Apr. 8, 1975.

<sup>20</sup> Havens, *op cit*.

him at that time there were many POW's in the PL hands. But, it has been a long time since January 1971, chances are that some POW's may have died in captivity due to illness caused by various diseases. As far as food ration is concerned, all POW's regardless of nationality are equally and humanly treated. But, as everyone knows Laos is a poor and small country and food provision in the jungle presents a difficult problem. Every PL has to learn how to survive on difficult times especially while the war still goes on. So, the food that we provided to the POW's may not be adequate to keep them in good health and therefore they may have taken ill and died. \* \* \*

Both this position and the statements I made during our previous meetings may seem inconsistent or illogical to you. But, I like to explain that days and months have gone by since the time we met and one cannot expect to see that all prisoners captured during the past 9 years survive till now. Like I said earlier some POW may have died for lack of adequate nourishment or lack of body resistance to innumerable diseases (i.e., malaria, typhoid, cholera, etc.).<sup>21</sup>

In further response to questioning, Pethrasi stated that all American prisoners had been transferred to Hanoi and released. He repeatedly denied that the Pathet Lao held any American prisoners.<sup>22</sup>

With the exception of admitting they had later captured Emmet Kay (held from May 1973 to July 1974), Pathet Lao officials maintained the position that they held no American prisoners.<sup>23</sup> They reiterated this position under questioning by members of the select committee in December 1975, in Vientiane saying that all Americans had been released in 1973 and that no more MIA's were alive in Laos.<sup>24</sup>

It would appear, in retrospect, that wartime statements were nothing more than self-serving propaganda designed to end American bombing and force a U.S. withdrawal from Laos. Post-war statements suggest the American prisoners who were held by the Pathet Lao did not survive. Statements that "they should have stayed in the United States," followed by denials that they hold any POW's, do not speak well for the fate of the few who were in their hands.

Like the Pathet Lao, the North Vietnamese and Viet Cong openly admitted having large numbers of U.S. prisoners during the war. They also used them for propaganda purposes. Public presentations of U.S. prisoners were conducted in 1966 and 1967 as a matter of policy. A large group of American prisoners was paraded through the streets of Hanoi in August 1966. A year later a group was paraded through local villages in South Vietnam. Stated purposes of the latter included: (1) propagandizing victories, (2) arousing hatred against Americans,

<sup>21</sup> Memorandum of Conversation between Soth Pethrasi and Lord Mayor Percy Hedgecock, Col. Vincent Donahue, and Mrs. Barbara Smith, June 20, 1973. In his testimony before the Select Committee, Col. Donahue told of Soth Pethrasi's earlier claims of holding large numbers of prisoners but neglected to relate the later denial.

<sup>22</sup> *Ibid.*

<sup>23</sup> In a statement to representatives of 53 families who traveled to Southeast Asia in October 1973, Pethrasi again said he knew of no American prisoners with the exception of Emmet Kay (who was later released). He speculated that a POW might possibly have been held in remote areas without his knowledge, but later categorically denied this possibility. Brooks, *et al.* *Op cit.* and State *op cit.*, Oct. 30, 1973.

<sup>24</sup> Memorandum for the Record, Dec. 23, 1975. Meeting of the House Select Committee on Missing Persons in Southeast Asia with Pathet Lao Chief of Cabinet Soubanh Srithirath.

and (3) infusing the masses with "the spirit of fearlessly fighting and defeating the U.S."<sup>25</sup> North Vietnamese prisoner releases of three Americans each in April 1968, February 1969, August 1969, and August 1972, were carefully calculated to convince world opinion of their humaneness.<sup>26</sup>

Vietnamese post-war statements clearly put the DRV and PRG on record as holding no American prisoners. Article 8(a) of the Paris Agreement specifically stated:

*Article 8:* The return of captured military personnel and foreign civilians of the parties shall be carried out simultaneously with and completed not later than the same day as the troop withdrawal mentioned in Article 5. The parties shall exchange complete lists of the above-mentioned captured military personnel and foreign civilians on the day of the signing of this Agreement.<sup>27</sup>

The Protocol to the Agreement stated:

The parties signatory to the agreement shall return the captured military personnel of the parties mentioned in Article 8 (a) of the Agreement as follows:

All captured military personnel of the United States and those of the other foreign countries mentioned in Article 3(a) of the Agreement shall be returned to U.S. authorities. \* \* \*

All captured civilians who are nationals of the United States or of any other foreign countries mentioned in Article 3(a) of the Agreement shall be returned to U.S. authorities. All other captured foreign civilians shall be returned to the authorities of their country of nationality by any one of the parties willing and able to do so.<sup>28</sup>

The Protocol also made provisions for Americans who might be held in categories other than prisoners, such as war criminals:

#### ARTICLE 6

Each party shall return all captured persons mentioned in Articles 1 and 2 of this Protocol without delay and shall facilitate their return and reception. The detaining parties shall not deny or delay their return for any reason, including the fact that captured persons may, on any grounds, have been prosecuted or sentenced.

With these explicit commitments signed by the Ministers of Foreign Affairs of both the Provisional Revolutionary Government of South Vietnam and the Democratic Republic of Vietnam, and with the sub-

<sup>25</sup> National Liberation Front Report, "On Public Presentations of U.S. Prisoners of War", July 1967; in Vietnam Documents and Research Notes, No. 65, U.S. Embassy, Saigon, August 1967.

<sup>26</sup> See FBIS Reports for periods shown. The lapse in prisoner releases after 1969 may be attributed to revelations by returned POW's of what life was really like in the North Vietnamese prison system. In addition, the prisoners had organized to the extent that the "word was out" they would seek to return together.

<sup>27</sup> "Agreement on Ending the War and Restoring Peace in Vietnam", Jan. 27, 1973.  
<sup>28</sup> "Protocol to the Agreement on Ending the War and Restoring Peace in Vietnam Concerning the Return of Captured Military Personnel and Foreign Civilians and Captured and Detained Vietnamese Civilian Personnel", Jan. 27, 1973.

sequent repatriation of prisoners from both Vietnams, the outlook for subsequent releases of American prisoners reached its nadir. Whereas, before the agreement, it was in the DRV and PRG interest to make false claims regarding American prisoners, any such claims subsequent to the agreement would contradict the signed agreement that all prisoners were to be returned by March 28, 1973.<sup>29</sup> The fact that Army Captain Robert T. White was returned on April 1, 1973, tends to indicate that any prisoner who may inadvertently have been held beyond the time specified for repatriation would nevertheless be repatriated when practical.<sup>30</sup>

From April 1, 1973, to the present, DRV and PRG officials have continued to state that all American prisoners were returned and that no more Americans are being held in Vietnam. A sampling of these statements is as follows:

(1) In July 1973, Col. Vo Tho Sen, head of the PRG delegation to the Four Party Joint Military Team in Saigon, told Mrs. Gloria Coppin and Mr. Steve Frank of Voices in Vital America, that the PRG "had released all American prisoners."<sup>31</sup>

(2) In October 1973, Mr. Khai, Second Secretary of the North Vietnamese Embassy in Paris told a delegation of League members that "they had returned all live POW's, that no POW had ever been taken across borders into another country and that until South Vietnam gives up their military and political prisoners they cannot possibly begin to account for our men according to Article 8(b)."<sup>32</sup>

(3) In September 1974, Do Thanh, First Secretary of the DRV Embassy in Paris, wrote to League representative M. Salvatori Mascari that "we have returned to the U.S. all captured U.S. military and civilian personnel."<sup>33</sup>

(4) In March 1975, DRV Foreign Minister Nguyen Duy Trinh wrote to Senator Edward M. Kennedy: "Proceeding from our correct stand, good will and humane policy, we have returned to the United States all its captured military and civilian personnel. \* \* \*"<sup>34</sup>

(5) In July 1975, DRV Premier Pham Van Dong replied to a letter of 27 U.S. Congressmen, saying: "The DRV Government turned over to the American side all the American military and civilian personnel captured during the war. \* \* \*"<sup>35</sup>

<sup>29</sup> The Paris Agreement specified that prisoner exchanges would take place within 60 days of the signing of the Agreement, which occurred Jan. 27, 1973.

<sup>30</sup> Captain White had been held captive in an isolated prison camp in South Vietnam for a number of years, and was the only American prisoner to be captured during hostilities and to be returned after the 60-day deadline.

<sup>31</sup> Mrs. Gloria Coppin, Chairman, VIVA National Advisory Board Report, "Report on Trip to Southeast Asia", August 1973. Mrs. Coppin described the meeting as follows: "We met at their headquarters at Camp Davis, which is an enclosed compound within the South Vietnamese Military Base in Saigon. Although they had about six military officers present, we spoke only to Colonel Son, the head of their delegation. We took along our own interpreter, a South Vietnamese man who was excellent. We had prepared separate sheets of information on about 20 men whom there was reason to believe had been captured, including pictures if available. We discussed the issue in general terms at first, asking why they had not accounted for all their prisoners. His answer was that they had released all American prisoners."

<sup>32</sup> Letter from E. Thomas to Scott Albright, entitled "Summary of Visit to N. Vietnamese Embassy", Nov. 1, 1973.

<sup>33</sup> Letter from Do Thanh to Mascari, Sept. 10, 1974.

<sup>34</sup> Congressional Record, 94th Cong., 1st sess., Mar. 17, 1975, pp. S4040-S4041.

<sup>35</sup> Letter of June 21, 1975; copy to Hon. Richard Ottinger in Committee files.



(6) In December 1975, DRV Vice-Foreign Minister Phan Hien and DRV Premier Pham Van Dong stated that all Americans captured in the war were returned to the United States just after the Paris Agreement.<sup>36</sup>

It would appear that these and other Vietnamese statements would establish beyond a reasonable doubt the DRV/PRG position on the question of live American prisoners. Since 1973, however, some statements by certain Vietnamese Communist officials could be interpreted ambiguously. Those statements may deliberately have been conceived to perpetuate lingering doubts that all missing Americans are dead. Vague statements, evasive responses, and mystic smiles or mannerisms giving rise to the impression that deep secrecy abounds in the POW/MIA arena were particularly prevalent in Vietnamese conversations with private groups of Americans, including MIA next-of-kin. These unofficial meetings were instrumental in perpetuating the agonizing uncertainty of these suffering Americans.

In September 1973, for example, Lt. Col. Trang, Deputy DRV Chief Delegate to the FPJMT, told five MIA wives and mothers that he would not discuss the cases of their missing family members until the DRV and PRG delegates were given certain privileges, immunities, and modalities by the United States and RVN delegations to the FPJMT in Saigon. According to one MIA wife:

I asked if they were not using this information as black-mail. They said I must not say this or I would suffer the consequences. I asked what the consequences were and they would only answer that I would suffer the consequences and that I must not tell this to the press.<sup>37</sup>

In November 1973, MIA wives Carol Plassmeyer and Mary McCain met Col. Son, Chief PRG Delegate to the FPJMT in Saigon. Col. Son, who had previously stated that no live Americans were being held prisoner, replied to these MIA wives in a manner that showed he regarded the issue of the missing men as an instrument of PRG foreign policy. In her report of the meeting, Mrs. Plassmeyer states:

Col. Son was there with four other men—one who took scrupulous notes during the whole conversation and another one who took about as many pictures, plus the interpreter and another man who seemed to be Col. Son's assistant. Col. Son started out by asking the purpose of our visit. We explained who we were, that we were relatives of men MIA in SVN and had come by ourselves at our own expense to ask his help in locating the missing men or obtaining any information about them. \* \* \*

We asked him if he knew of any men still alive—or if perhaps his men might know of some. He replied that "there were many things he'd like to tell us but it wasn't the right time" that the RVN disregarded the cease-fire, etc. We could not get any elucidation of the "many things he'd like to tell".

<sup>36</sup> These remarks were made to Congressmen G. V. Montgomery, Richard Ottinger, Paul McCloskey, and Benjamin Gilman in response to their questions to the DRV officials in Hanoi.

<sup>37</sup> Susan Sullivan, Report to the Board of Directors of the National League, entitled "Observations on the Trip to Southeast Asia", Sept. 20, 1974.

We asked him about graves of our men in SVN. He again blamed the fighting, said the RVN may have run bulldozers over the graves or dropped bombs on them. \* \* \* Mrs. McCain asked about mail for Americans who might be prisoners. He refused this idea and went into another enumeration of RVN violations. We asked if he thought that Americans could still be out in the jungles—he answered that there was much fighting still going on and it was “hard to tell” now and we would have to wait until the situation was stable.<sup>38</sup>

In March 1975, Senator Edward Kennedy addressed the Senate regarding his recent exchange of correspondence with DRV Foreign Minister Nguyen duy Trinh.

Mr. President, this past month Foreign Minister Trinh responded to my letter. He stated Hanoi's current view toward American policy in Indochina and developments in Vietnam, but regrettably his letter contained no specific information on MIA's.

However, the Minister's letter seems to confirm that information is available on MIA's, and that, to quote from the letter:

“The DRVN services responsible for getting information \* \* \* continue their efforts in the hope that their work will help ease the anguish of the families of those still considered missing.”<sup>39</sup>

The DRV again alluded to its efforts to obtain information on missing Americans in a letter from Premier Pham Van Dong to 27 Congressmen in June 1975:

After the signing of the Paris Agreement, the DRV Government \* \* \* gave directives to its responsible organs to endeavor to seek information on Americans considered missing in action. \* \* \*<sup>40</sup>

It is clear from both these letters that the Vietnamese must have a considerable body of information which they could provide to the families of several missing Americans. But in both cases, the DRV official linked the provision of such information to political conditions. In the Nguyen duy Trinh letter, U.S. withdrawal of support for the Republic of Vietnam was emphasized:

The Vietnamese people appreciate the growing trend in the press, political circles and even in the U.S. Congress to urge the U.S. administration to end its military involvement in South Vietnam and cease its military aid to the Nguyen Van Thieu group. This trend is an expression of the American people's traditional attachment to peace and justice, contributes to bring pressure to bear on the U.S. administration for a correct implementation of the Paris Agreement on Vietnam, and creates favorable conditions for the normalization

<sup>38</sup> Report by Carol Plassmeyer, regarding her meetings with Communist Representatives in Saigon, Nov. 15, 1973.

<sup>39</sup> Nguyen duy Trinh to Edward M. Kennedy, *op cit.*

<sup>40</sup> Pham Van Dong to 27 Members of the U.S. House of Representatives, June 21, 1975.

of relations between our two countries and for a good solution to the question of those still considered missing.<sup>41</sup>

In the Pham van Dong letter "U.S. contribution to healing the wounds in both zones of Vietnam" was linked to information on the missing-in-action.<sup>42</sup>

Finally, in June 1976, Do Thanh, First Secretary of the North Vietnamese Embassy in Paris, received a delegation of the Veterans of Foreign Wars, headed by Nelson C. Amsdill, Jr., Commander of Fraser Michigan VFW Post 6691. The delegation attempted to present to the Vietnamese a petition for information on U.S. Air Force Captain Robert Tucci and other missing Americans.<sup>43</sup> They left the meeting with a strong impression that Do Thanh had implied the North Vietnamese know the fate of Americans still alive and held captive.<sup>44</sup> This impression was evidently the result of Do Thanh's expression of concern for the "widows and non-widows" of missing Americans, which was interpreted to mean some Americans were alive (rather than interpreting "non-widows" as parents.) Do Thanh refused to elaborate on his statements. Instead, Do Thanh told the delegation they would not release information on missing Americans until the U.S. Government does something for Vietnam and that "the first news would be about Captain Tucci—if America cooperates".<sup>45</sup>

The following day, Do Thanh told both the Associated Press and the Select Committee that he had been misinterpreted. His specific words were:

It was misheard. It is not true. The Vietnamese have long since returned all live POW's and do not hold any.<sup>46</sup>

Once again, the pattern of categorical denial of information was juxtaposed with subtle intimations that information on missing Americans could be made available if the United States agrees to the political and economic conditions stipulated by North Vietnam. Once again, the hopes of many families were raised only to be dashed when the Vietnamese were pressed to confirm or deny the implications of their insinuations.

And so the story goes. It is a sad story, marked by the frustrated hopes of American families seeking information counterposed to the obvious use of these families as pawns in a political game. The record indicates that Communist statements on this issue have always been designed to maximize their political, military or economic advantage, and that any regard for the feelings of the families of missing Americans is purely accidental.

<sup>41</sup> Trinh, *op cit.*

<sup>42</sup> Dong, *op cit.*

<sup>43</sup> DRV officials agreed to the meeting but made it clear beforehand that they would not accept the 80,000-signature petition.

<sup>44</sup> The delegation consisted of Commander of Fraser, Mich. VFW Post 6691, Nelson Amsdill, Commander of Ben Franklin VFW Post in Paris, Col. Leon G. Turrou, Mr. Lawrence P. Zatkoff and Mr. J. Randy Sabo.

<sup>45</sup> J. Randy Sabo, Report of VFW Paris Trip June 25, 1976, and AP reports, June 4, 5, 1976. See also "The Macomb Daily", June 8, 1976.

<sup>46</sup> Associated Press, June 8, 1976, and telephone conversation of the same date with the Select Committee.

## REVIEW OF CASE FILES

The most important single document pertaining to a missing serviceman is the case file maintained by the parent service. It is this same case file that many next of kin have studied either at the service headquarters or in Washington, D.C. at annual conventions of the National League of Families. The committee notes that many of the next of kin have expressed suspicion that the casualty files are not complete, that important information has been omitted, and that classified information has often been withheld.

The importance of the case file derives from two factors. First, it reflects the data upon which the initial status determination was based. Second, the case review which is mandatory by the 1-year anniversary of the date of loss, and any subsequent case reviews, is based on the accumulated information reflected in the case file. Thus, a serviceman's status—either POW, MIA, or presumed dead—hinges upon the information contained in the case file and the evaluation of that information by those who pass judgment on this status.

In view of the importance of the case file, with respect to the missing member's status and as the official depository for information on the individual, it was necessary for the committee to study a significant number of individual cases. Only in this way did the committee members familiarize themselves with the kinds of information available and the validity of that information.

Congress has vested the military secretaries with the authority and responsibility to adjudicate status of missing servicemen. For that reason no attempt was made by the committee to study each and every separate case. Conversely, it was important for the committee to study a broad cross-section of cases and it was imperative for the committee to form its own opinion whether or not any evidence exists that would suggest Americans are still being held as prisoners of war in Indochina.

## PRISONERS OF WAR

When the select committee began its investigation, 36 men were listed as POW's. The logical assumption was that all had been captured by the enemy, interned in the POW camp system and, for some reason, had neither been returned alive nor declared by the enemy to have died in captivity. The committee undertook an inquiry into all 36 cases as a matter of priority.

Certain questions had to be asked. What were the bases for the initial classifications as POW and were those classifications appropriate in the committee's view? Did receipt of additional information after the date of the incident militate in favor of a change in status? Is there now any evidence or hope that any of the 36 men listed as POW are still alive? To answer these and other questions, the committee collected the service case file on each of the 36 men and conducted an exhaustive study of the material contained in those cases. Later, most of the cases were cross checked with the intelligence file kept at the



Defense Intelligence Agency to assure that no relevant information was overlooked.

As indicated in the following table, over one-half of those still listed as POW disappeared more than 9 years ago.

TABLE 1  
YEAR IN WHICH POW'S WERE LOST

Year	U.S. Army	U.S. Navy	U.S. Air Force	U.S. Marine Corps	Total
1964				1	1
1965	2	2	2	1	7
1966			2		2
1967	1	8			9
1968	2	1			3
1969	3	1			4
1970	3				3
1971					0
1972	1	5			6
1973		1			1
Totals	12	18	4	2	36

The committee carefully reviewed the evidence upon which the initial classification of POW was based in each case and noted that in five cases the status was changed from MIA to POW, reflecting information received after the incident of loss. The status changes appear to have been appropriate in light of the reports received at the time, although in these specific cases the reports were in error, a fact not learned until after the repatriation of American prisoners in 1973.

It became readily apparent that the Navy had employed extremely optimistic standards for declaring that a downed aviator was captured. Generally, if a pilot parachuted and either waved during his descent or activated his emergency radio "beeper", the Navy considered him to be a POW. At least in retrospect, many of the Navy casualties should have been classified as MIA rather than POW, because of the hazards of landing and surviving in a hostile environment and the lack of positive information that the missing man had indeed been captured.

Results of an independent investigation of available information on the 36 listed POW's resulted in the evaluations in table 2.

TABLE 2  
EVALUATION OF CLASSIFICATION—POW STATUS

Classification as POW by Parent Service	U.S. Army	U.S. Navy	U.S. Air Force	U.S. Marine Corps	Total
Includes 5 reclassified from MIA to POW	12	18	4	2	36
Committee Assessment of Proper Status:					
POW	12	10	3	2	27
MIA		7 <sup>1</sup>	1 <sup>2</sup>		8
KIA (BNR)		1 <sup>3</sup>			1

<sup>1</sup> Parachutes were seen in these cases, beepers were heard in most, but no voice contact was made, and the downed pilots were not seen alive on the ground.

<sup>2</sup> Seen to eject but no further communications. Six reports received since the incident indicate that a pilot was killed by indigenous persons at about the same time in same general area.

<sup>3</sup> Ejected at high speed at near-ground level and an inert form was reported by eyewitnesses under the parachute on the ground. A rallier since reported a similar incident (believed to correlate) in which the pilot was found dead. This officer was reported by the Vietnamese on September 6, 1976, to have died during his attack on North Vietnam (1965).

This aspect of the committee's inquiry was not intended to take issue with the Department of Defense concerning status. Instead, the committee was impelled to evaluate the likelihood that these 36 men were actually POW's. If there was hard evidence to prove that each of the 36 was a captive, a persuasive case could be made in international tribunals that the Vietnamese, Lao, and Cambodians held, and possibly continue to hold, Americans as POW's. The committee therefore considered it important to evaluate the evidence and form its own judgment of how many Americans were actually in the enemies' hands at one time as prisoners.

The committee considered a missing serviceman to have been a POW only if he was seen alive in enemy custody by a credible witness. The mere fact of having been in voice-radio contact with friendly aircraft did not meet the test; that person had not yet passed safely into enemy hands, and evidence shows that many Americans were killed during that delicate transition phase. Reports from "sensitive sources" were recorded in four cases, two of which were considered by the Navy as sufficient cause to change status from MIA to POW. In the other two cases, the flyers were classified POW at the time of loss, although it now appears that they never entered the formal POW system and may not have survived the shootdown. In all four cases, the "sensitive source" or the analyst was in error.<sup>1</sup>

A review of the cases showed that several men definitely were in enemy hands and were observed in captivity by at least one other American. A like number could have been alive in enemy hands if reports by indigenous escapees or witnesses can be believed. In more than a third of the cases, however, there is no evidence to support a belief that the aviator survived the incident of loss.

TABLE 3  
COMMITTEE EVALUATION OF STATUS OF 36 POW'S

Statement of Evaluation	U.S. Army	U.S. Navy	U.S.		Total
			Air Force	Marine Corps	
Definitely was alive in enemy hands.....	6	3	2	2	11
Possibly was alive in enemy hands.....	4	3	1	-----	11
No evidence he was taken alive.....	2	12	1	-----	14
Total.....	12	18	4	2	36

<sup>1</sup> In six cases, reports from indigenous sources indicate that the individual died in captivity. Another one was reported in 1973, both by the PRG and by returnees, as having died in captivity in 1967, but for technical reasons his case has not been reviewed. Still another defected to the Viet Cong in 1967, and he could still be alive in Vietnam. There is no evidence in the remaining four cases to suggest whether the individual is now dead or alive, but in no case did any of these four appear in a regular POW camp, and all have been missing for at least 6 years.

The chart above is based on a study of individual case files containing data compiled through November 1976, debriefings of returning POW's, and analysis of Communist processing procedures for POW's.

<sup>1</sup> In three of these cases, the names of the missing aviators were entered into the Hanoi Hilton memory bank system as a query, asking if they had been seen. This translated eventually to an apparent, but erroneous, confirmation that the flyers were alive in a POW camp. In the fourth case, a letter sent by a POW was believed to contain veiled reference to a missing pilot. The POW actually referred to his son, who had the same first name as a missing squadron mate. Based on the analyst's mistake, the status of an MIA was changed to that of POW. As of the writing of this report, he continues to be listed as POW, although no definitive word has ever been received since his loss in 1967.

## MISSING IN ACTION

The select committee studied MIA case files in the same manner accorded the POW files. Specifically, more than 200 individual files were drawn. The cases were held in the committee offices for varying periods of time so that they could be studied in detail. Cases in which presumptive findings of death had been rendered were included as were several KIA (BNR).

The committee was interested in the validity of the initial classification, the kind and amount of information acquired since the date of loss, and, as a matter of priority, the possibility that any of the MIA's could still be alive.

The MIA cases fall generally into three categories—

- (1) those in which the circumstances of loss support some hope that the individual might have been captured;
- (2) those in which there is no indication of the fate or whereabouts of the missing serviceman; and
- (3) those in which an initial classification of KIA (BNR) would have been justified.

Initial classification as MIA was appropriate in the case of aviators known to have ejected from stricken aircraft. Subsequent analysis, however, has shown that the possibility of major injury or death on ejection, the dangers in landing, and the attitude of hostile populace significantly reduced the chances of survival.<sup>2</sup> In the case of ground personnel, some were reported by indigenous sources as having been led away by the Viet Cong. Reports of that nature offered some hope that the missing member was captured.

In a significant number of cases involving aircraft losses, the planes merely disappeared. Some were seen to descend through an overcast but were never again observed. Others failed to return from missions without broadcasting a "Mayday!" or otherwise communicating with monitoring stations or supporting aircraft. Electronic or photographic surveillance was flown over known or suspected crash sites or planned flight paths whenever possible, although in some cases the nature and fury of enemy resistance prevented effective reconnaissance.

In the case of ground forces, it was more difficult to ascertain circumstances of loss. Several men wandered off without explanation and have not been seen since. In other cases soldiers were badly wounded in fire fights with the enemy and were left behind when their fellow soldiers were driven off by superior fire power. Some in this category were declared POW at the time, others were listed as MIA.

In a substantial number of cases, the initial classification of MIA could just as easily have been KIA (BNR).<sup>3</sup> This observation is not made to condemn the Department of Defense or the combat commanding officer who made the initial determination. Rather, it is an observation that a great many of the decisions which could have gone either way tilted in favor of MIA status. In the absence of *prima facie*

<sup>2</sup> See p. 45 for a detailed discussion of survival.

<sup>3</sup> Status determination is often a subjective decision. Of the first 53 MIA cases reviewed by the staff, 40 could justifiably have been KIA (BNR) at the outset based on the circumstances known at the time and reinforced by information, or lack of any information, since the loss.

evidence of death the classification was normally MIA. This was particularly true in the case of multi-engine, multi-seat aircraft. For example, several aircraft with large crews were shot down over enemy territory. In some cases only one or two parachutes were observed; in other cases no parachutes or beepers were reported, and follow-on SAR efforts failed to disclose any sign of survival.

If even one crewmember was known or assumed to be alive, it was the usual practice to list all members as MIA, a logical decision since the identity of the possible survivor was rarely known. In more than 400 instances, a total absence of information on the actual loss resulted in classification as MIA, even though in most cases follow-on reconnaissance produced negative results.<sup>4</sup>

Sighting of one parachute from a two-seated aircraft also caused difficulty in assigning the initial classification. There was no standard color coding of parachutes to aid wingmates in identifying which crewman ejected. When both crewmen ejected but one was observed to be in dire straits, it was usually not possible to determine with confidence which was in difficulty.

#### THE SECURITY CLASSIFICATION PROBLEM

The committee received several complaints from next of kin who claimed that case files were not complete. Family members who travelled to Thailand and visited the Joint Casualty Resolution Center sometimes saw documents in the JCRC file which were not included in the case file maintained by the parent service. In other cases, next of kin believed that documents had been removed from the file of their missing member.

Classified documents also caused a problem and, in spite of protestations to the contrary by DOD officials, many family members still contend that classified information is being withheld.

It was principally to investigate these complaints that committee members visited the Defense Intelligence Agency in Arlington, Va. The DIA maintains case files on all missing Americans. Data is generally limited to intelligence information. Documents held by DIA duplicate those in the Service files, except that certain highly sensitive information is included in raw form. This aspect of intelligence processing is the most misunderstood. All information held by DIA is also held by the Services, including special intelligence (SI).<sup>5</sup>

This category of intelligence is closely guarded in order to protect sources and techniques as well as to deny actual or potential enemies the ability to evaluate the effectiveness of sensitive acquisition means. It is important to know that, with but a few possible accidental exceptions, all sensitive information that can be correlated to specific cases is included in extract form in the appropriate case files. The committee reviewed a large number of classified documents and found in every case that pertinent extracts were contained in the individual files.<sup>6</sup>

<sup>4</sup> Assistant Secretary of Defense for International Security Affairs Memorandum, dated April 28, 1976.

<sup>5</sup> SI material constitutes a relatively insignificant part of the total accessions.

<sup>6</sup> Congressman Benjamin A. Gilman (R-N.Y.) took exception in one case to the paraphrasing of a classified message which, in his view, altered the meaning of the original text. That particular document is being reviewed by DIA.